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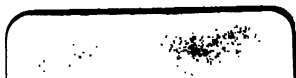
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THE  
CHURCH OF ENGLAND  
AND  
ERASTIANISM

SINCE THE REFORMATION.

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BY  
J. R. PRETYMAN, M.A.,  
LATE VICAR OF AYLESBURY, BUCKS.

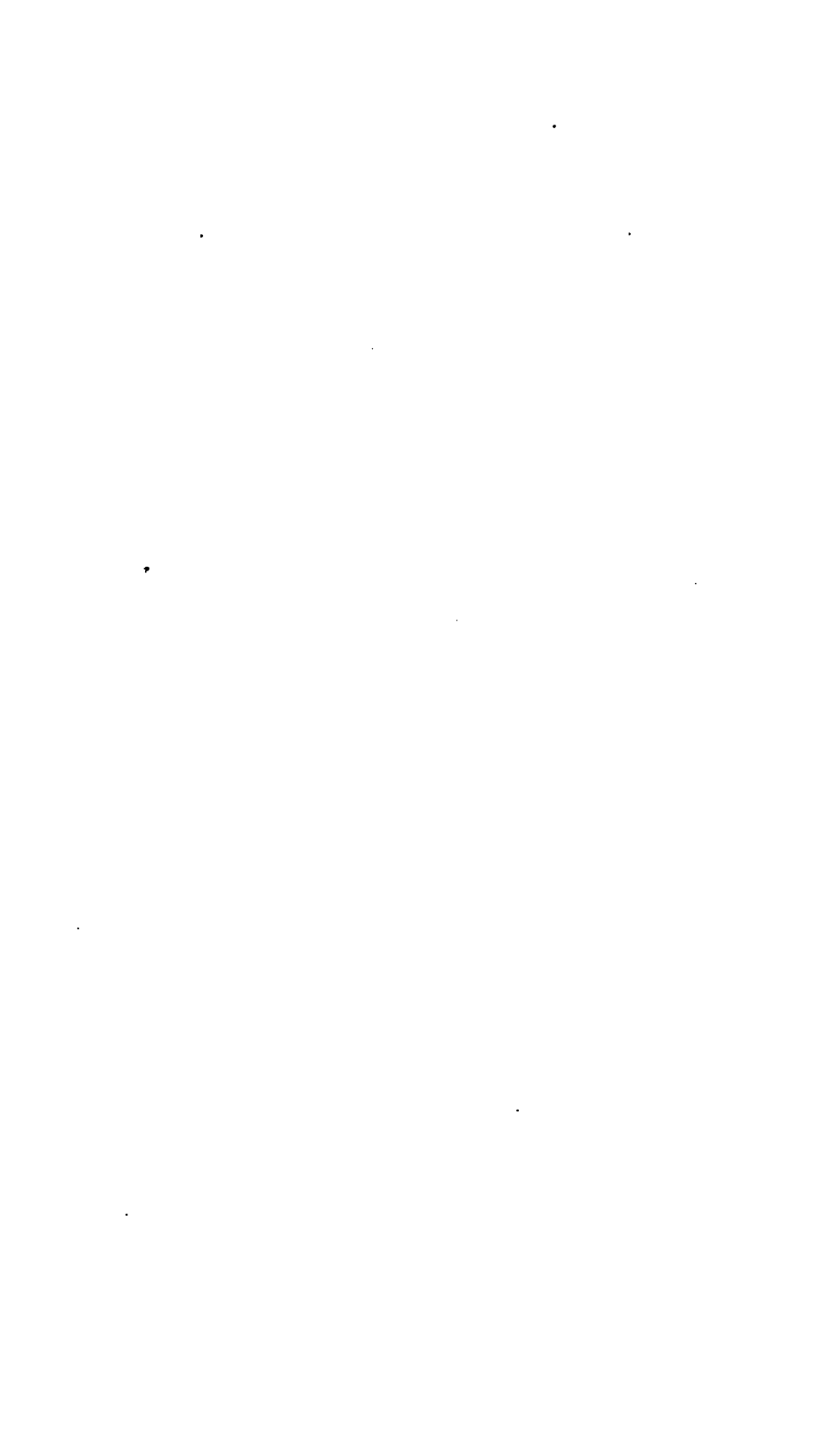
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1854.

*110. a. 115.*

"The generality of statesmen and churchmen themselves not unfrequently have argued upon the principles of what in the seventeenth century was called Hobbism, towards which the Erastian system, which is that of the Church of England, though excellent in some points of view, had a tendency to gravitate; namely, that civil and religious allegiance are so necessarily connected, that it is the subject's duty to follow the dictates of the magistrate in both alike. And this received some countenance from the false and mischievous position of Hooker, that the Church and Commonwealth are but different denominations of the same society. Warburton has sufficiently exposed the sophistry of this theory; though I do not think him equally successful in what he substitutes for it."—*Hallam's Constitutional History of England*, vol. i. p. 228.

TO ALL  
MEMBERS OF THE CHURCH OF ENGLAND  
AND OTHER CHRISTIANS,  
WHO, THOUGH DIFFERING IN THE APPLICATION OF IT,  
AGREE IN MAINTAINING  
THE PRINCIPLE OF ECCLESIASTICAL INDEPENDENCE,  
AS A PART OF THE GREAT TRUST  
ORIGINALLY DELIVERED TO THE CHURCH,  
AND AS INVOLVED IN  
THE TRUTH OF THE ROYALTY AND HEADSHIP OF CHRIST,  
THE FOLLOWING HUMBLE  
VINDICATION OF THAT PRINCIPLE  
Is Inscribed.





## ADVERTISEMENT.

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As it is important in every discussion that the terms should be clearly defined, the writer of the following pages desires to state, that he employs the term **ERASTIANISM**, not, perhaps, with etymological accuracy, but in its ordinary acceptation—that is to say, to signify “that system of opinions and course of action, which deprive the Church of Christ of independent existence, and resolve it into a function of the civil government.”



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THE EXTENT AND EFFECTS  
OF  
ANGLICAN ERASTIANISM.

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IT were almost a truism to observe, that the times in which we live are specially remarkable for a great increase of knowledge, a general stirring of mind, and a wide-spread spirit of inquiry upon all subjects of importance to the destinies of mankind. Among these subjects, that which exceeds all others in interest—Christianity in all its various aspects and bearings—has attracted perhaps the largest share of this general attention; more, indeed, it would seem, than at any time since those great changes in religious institutions and opinions, which, in the sixteenth century, agitated and divided the mind of Western Europe. Reflecting men are not, now-a-days, usually contented in these matters to acquiesce, without examination, in whatever they may find already recognised and established; but they will search out the grounds of existing institutions, and endea-

your to trace back received opinions and dogmatic statements to their source in the region of fact and of first principles. Nor need the friends of unchanging truth be alarmed at the result of these investigations, if they be conducted not only with earnestness, but with candour and moderation, with adequate information and accurate reasoning. They will recollect that truth can always bear such an ordeal. Nay, they may confidently trust, that by these very means, under the Divine blessing, the power of truth will prevail the more, that "wisdom will be justified of her children," and that thus practice will be brought nearer to theory—the actual to the standard of the ideal.

Among the various matters comprehended under the complex notion of Christianity, those which are connected with the organism designed for the perpetual conservation and ministration of its doctrines and ordinances, have been discussed with an interest only second to that which has been excited by controversies in respect to those doctrines and ordinances themselves. And one especial point to which enquiry on this subject has been directed, concerns the relations which, according to the true idea of Christianity, the temporal constitution ought to hold towards the Church, in a country in which the Christian religion is generally professed; or, to state the question

in other words, the rightful province of the State as regards religious matters, in a nation where Christianity is generally received. The importance of this, as of all kindred matters, is necessarily felt by all reflecting Christians who, apart from any considerations of the comparative value of the different portions of a divinely-instituted system, agree in regarding *all* as important, and as together constituting that sacred trust originally delivered to the faithful, and designed to be handed down in the Church through successive generations, without diminution or addition, corruption or perversion. For however Christianity may, for the purposes of thought and discussion, be metaphysically divided into different parts, as into the Faith, and a particular organisation for the perpetuation of that Faith in the world ; or into doctrine and discipline, or essence and form ; or into faith, ritual, and polity ; or the Word, the Sacraments, and the Ministry of Christ ; however it may thus be considered in its different parts, yet it will be acknowledged that it was set forth in the world, by its Divine Author and Founder, as a whole and integral System for the accomplishment of His gracious and wise purposes in regard to the human race, and that all the portions of this System, resting on the same Divine authority, harmoniously conspire to the same end, and have each of them their place and purpose in



the economy of grace, so that no portion can be dispensed with but by a positive violation of Christian duty, or without injury to the working of the system as a whole.

It has been in immediate reference to the actual polity of the Church in this country, resulting from the nature of its relations with the State, or civil power, that the inquiry has arisen, what are the relations which, according to the true theory of the subject, ought to subsist between the civil and the ecclesiastical power, in a nation wherein Christianity is generally professed? This question, viewed in connexion with an existing status in this country, is necessarily invested with a special interest for the clergy and for all reflecting members of the Established Church, and becomes to them a question not merely of speculative truth, but of practical import. The two points, then, viz., the existing status of Anglican church-polity, and the true theory by which that status must be judged, being taken in conjunction, the inquiry naturally assumes the following form:—First, What are, in fact and reality, the relations existing between the Church and the State in this country; and this question being determined—Secondly, are those relations in accordance, or not, with the true theory as to the proper connexion between the spiritual community and the civil powers in a commonwealth. In these two respects

the question has forcibly presented itself to the present writer, and after such consideration and research as he could devote to it, he has been led, however reluctantly, to the conclusions, that the actual relations in question decidedly involve the subordination and dependency of the spiritual as regards the temporal power; and that such subordination and dependency are totally at variance with the true theory on the subject, and the primary ideas of Christianity. And, further, he has been brought to the conclusion that these relations, being in themselves evil, are of necessity injurious to the interests of the Church, especially as becoming a grievance to the consciences of the clergy, in that they are required to express their unqualified assent to the propriety of those relations, and in some cases to carry them out into their practical results; and further that, if rightly viewed, they are detrimental also in their immediate or ultimate effects to the real interests of the State and nation. The progress of enquiry and discussion on these points, has been much checked of late, not only by the practical difficulties which they may involve, but also by the numerous and conflicting facts belonging to the whole subject, and by the various and opposite views which have been taken of it. It will be the object of the writer in the following pages to state, at some length, the facts and reasons which, in

his opinion, tend to the conclusions which he has just now stated, with the view, if possible, of aiding others who may not have had occasion to examine these matters as fully as himself, in arriving at a right judgment upon them.

## CHAPTER I.

### THE EXTENT OF ANGLICAN ERASTIANISM.

THE first point, then, to be ascertained and stated, is a matter of pure fact, to wit, the nature of the actually existing relations between the Church and the State in this country. Now, it is hardly necessary to prove that the notion, derived from Hooker's "Ecclesiastical Polity," of an absolute identity between the Church and the Commonwealth in this country, is not, now-a-days at least, a correct representation of these relations. That author having, in a former book, shown that the authority of governing the Christian Church, with which Christ indisputably invested His Apostles, was, according to His will, transmitted successively to other office-bearers in the Church (whether bishops or presbyters, or both in conjunction, is not now the question), proceeds, in the eighth book of his work, elaborately to justify, against the objections both of the Romanists and of the Puritans, the assumption and exercise by the sovereign civil power in his time, of a paramount and plenary authority and

jurisdiction in all things of a spiritual or ecclesiastical nature. It may be observed, in passing, that the latter view seems inconsistent with the former, and that the fifth book of this celebrated work refutes the eighth ; but this inconsistency and contradiction was probably occasioned by the circumstances under which he wrote, and by the evident determination of the writer to justify *every* ecclesiastical arrangement which he found in existence. However, the argument by which he justifies the government of the Church by the civil authority, proceeds upon the allegation that the Church and the Commonwealth are but different phases of one and the same society, regarded in a religious or in a secular point of view ; which, as he maintains, being the case, it follows, as a matter of course (in his view), that the governing authority in the Commonwealth has the same power in the Church. The correctness of this *inference* will hardly be acknowledged, even supposing the existence of the identity for which this author contends. Because, *as far as this argument goes*, it would be equally available to prove, that the ecclesiastical power ought, of right, to govern in civil matters, as that the civil power possesses this right in ecclesiastical matters. But the supposition of an identity between the Church and the Commonwealth, is manifestly contrary to fact in the present day at least. In the time at which

Hooker wrote, some countenance was given to the supposition of this identity, by the circumstance, that the laws of the country then recognised but one form of religion, and enforced adhesion to it upon all members of the Commonwealth by severe temporal penalties, and proscribed, by penalties still severer, as well as by civil disabilities, the profession and practice of other systems of religious doctrine and discipline. Undoubtedly, so far as these penal laws could avail to make all the members of the Commonwealth at that time members of the Church also, it might be said, in some sense, that the Commonwealth and the Church were then one and the same society, regarded either in a religious or a secular point of view. The same too might have been said, with even greater truth, of the Spanish Church and nation, where the still more rigorous working of the monarchy and the Inquisition was even more successful in compelling all the people to be ostensibly members of the Church in that country. But even such grounds for supposing an identity to exist between the Church and the Commonwealth in this country, have, happily, entirely passed away with the penal laws for enforcing conformity to the established Church, and with the civil disabilities attached to nonconformity. Besides, all notion of such an identity is visibly disproved by the fact, that a

large proportion of the community are not in communion with the Established Church, and that the religious funds, and other property belonging to each of the different denominations into which this proportion is divided, are all placed under the equal guardianship of the law. Nay more, some legal provision of funds is made for various of these denominations ; so that if Dr. Chalmers' definition \* of religious establishments be, as it appears, correct, which is, that such legal provision is the essential mark of an establishment, many of these denominations of Christians, not in communion with the Church, are acutally established by the State. For the State annually devotes a fund, called the *Regium Donum*, to the maintenance of ministers of what are commonly termed the Three Denominations in England ; another fund called *Ministers' Money*, to the support of the Irish Presbyterian clergy ; it has made over a permanent endowment to the Romanists in

\* "We should assume, as the basis of our definition for a religious establishment, or, as the essential property by which to specify or characterize it, a sure legal provision for the expense of its ministrations." And, shortly afterwards, "To realise our idea of an establishment, it is enough that there be legal security for the application of certain funds to the maintenance of Christian worship or Christian instruction in a country ; and this in whatever way these funds may have originated." Chalmers' *Lectures on Church Establishments*, pp. 9, 10. The two first of these admirable lectures contain much matter of importance on the present subject.

Canada, and to the Roman Catholic college of priests at Maynooth; gives pecuniary aid to the Romanists, and to the Presbyterians in Australia and Van Diemen's Land; and large educational grants, annually, for the instruction of the young of the poorer classes of Great Britain and Ireland in all the various and conflicting creeds which are professed in the three kingdoms. To the same point it may be observed, that the great council of the Commonwealth, the parliament of Great Britain and Ireland, is composed of members of every or any denomination of professed Christians. It seems superfluous to say, that all these facts entirely destroy the notion, if indeed it still lingers in the mind of any one, the notion derived from the eighth book of Hooker's "Ecclesiastical Polity," that the Church and the Commonwealth of this country are identical, and but different denominations of the same society.

The same considerations equally operate in disproving the existence of any Union between the ecclesiastical and civil powers; the notion of such an union being out of the question, when the State supports and countenances religious denominations which are alien and even hostile to the Church, and admits to its offices men of all religious opinions alike, not excepting professed unbelievers. Nor, indeed, is such an union claimed by any of the existing parties in the State; and



it is worthy of remark, that the party which is most tenacious of the power of the State over the Church, is the most forward in the repudiation of any such union, and most intolerant of the exhibition, by the civil power, of any preference for the Church above any other religious communion.

Moreover, the circumstances which have now been mentioned tend equally to disprove the existence of any *alliance* between the State and the Church. Little *favor*, as we see, is shown by the civil power towards the Church above other religious denominations ; it is contended, with truth, as the present writer will hereafter endeavour to point out, that it does not award even equal justice to the Church in comparison with them. But as the view of an Alliance is that in which the relations under consideration are still most commonly regarded, and by which they are most frequently endeavoured to be accounted for or justified, it will be proper to enter a little more largely into the question of its existence. It would seem that, as the prevalence of non-conformity and the recognition by the civil power, after the revolution of 1688, of the political rights of non-conformist bodies, rendered the notion of an *union* obviously untenable, the view of an *alliance* was taken up as explanatory of the relations now in question. Probably, Warburton, who wrote about the middle of the last century, was the first

writer who propounded this view, certainly the first who put it forth in a systematic and argumentative form ; and his work, entitled the "Alliance of Church and State," is most commonly referred to as the principal authority on the subject. The view of that writer is, that an alliance subsists between the Church and the State by means of a compact, rather virtual than actual, between the two powers, by which it was agreed that the Church should part with her spiritual authority, self-action, and independence, in return for protection, emolument, and aid from the temporal power. Unquestionably this view is open to the objection that, if it be correct, it convicts the Church of ignominiously "selling her birthright for a mess of pottage;" and of traitorously surrendering, for mere temporal advantages, that portion of her sacred trust which consists of the functions and powers with which her Divine Head and Lord had endowed her for edification and for the maintenance of His truth and cause in the world. But the existence of any such compact is denied by the present writer upon an examination of the alleged terms of it. With regard to the first mentioned of these "terms," namely, the *protection* of the Church by the State, this is in justice due from the State to every religious denomination, and is, in fact, equally extended to all. If this were admitted to be an article of the sup-

posed compact, the admission would only prove that the Romish communion, and all the various forms of Dissent are, so far, in alliance with the State ; and yet no analogous submission is required or received of any of these bodies ; nor indeed is it supposed that any of the advocates of the view of an alliance would contend that an alliance also exists, in any degree, between all other religious denominations and the State. Besides, this protection was extended to the Anglican Church *before* the time at which the alleged compact can be supposed to have come into existence. Another article of the alleged compact was, that the Church should surrender her heaven-derived powers and functions to the State in return for emolument. Now the alliance in question is supposed to be dated, at any rate, from some period during or after the Reformation ; but the emoluments of the Church are but a portion of the endowments from the owners of the soil which the Church had received and was in possession of long before the Reformation. Nor were these endowments transferred from one Church to another. They were indeed transferred in part from the Church to the Crown and to its dependents, during the reigns of Henry VIII., Edward VI., and Elizabeth. They were not transferred by the State from one Church to another, for there is no single statute in existence

which can be pointed to as mentioning or implying any transfer of the kind. In those very statutes of Henry VIII., by which that monarch created himself "head of the Church," and which are still in force, the very body thus dealt with is "the Church of England." Now, it is plain that, if we have now a different Church from that which was in England when those statutes were passed, the sovereign in these days has by virtue of those statutes no supremacy whatever over the Anglican Church. Either then the Church now is identical as a corporation with the Church in the time of Henry VIII., or the statutes which he made, establishing the supreme ecclesiastical authority and jurisdiction of the Crown, have no force or application whatsoever as regards the present Church of England,—an assertion which few indeed would be inclined to make. The same absurd consequence would follow from the supposition, that *after* the reign of Henry VIII. the former Church was destroyed, and a new one erected, and endowed with the property of its predecessor; and in particular, the Crown would derive from the statute of Henry VIII. no legal right to nominate bishops, inasmuch as, (*according to the supposition of a newly erected Church,*) that statute necessarily refers only to some former Church then in existence. But in fact, the statutes invariably regard and treat the Church,

during and after the Reformation, as identical with that before those changes, and therefore they did not transfer the possession of the endowments of a former to a succeeding Church. The emoluments then of the Church can have been no item in any such compact between the Church and the State, as is supposed in this view of an alliance. The third and last article in the compact, (or bargain,) which, according to Warburton's view, took place between the State and the Church, was, that the latter should receive assistance from the exertion of the arm of law in its favour. But this aid is in *principle* equally extended to all other religious denominations, inasmuch as all disturbers of the worship of any sect are, *as such*, not as mere breakers of the public peace, punishable by law. But it may be urged that the civil power aids the Church by giving to the "ecclesiastical courts" the power of enforcing their decrees by temporal means of coercion. To this I answer, first, that the ecclesiastical courts are not properly the Church's courts at all, but civil courts exercising judicature on a mixed mass of spiritual and secular matters, and administering, by virtue of one clause in a statute of Henry VIII.,\* a considerable part of the

\* 25 Henry VIII., cap. 19, sects. 1, 2, 3, which will be found in the Appendix. By this Act the king was empowered to appoint Commissioners to revise the canon law, which was,

ancient canon law, together with some portions of the canons of 1603, and a number of acts of parliament, the whole heterogeneous and conflicting code thus formed being legally termed "the Queen's ecclesiastical laws."\* Surely the Church cannot properly be said to be concerned or interested in such courts as these; nor, indeed, though they are sometimes, by a legal misnomer, termed the "spiritual courts," are they generally recognised as having any proper spiritual character or authority whatever. Indeed the highest of the ecclesiastical courts is manifestly a *mere* civil and temporal court—the judicial committee of the Queen's Privy Council—a court capable of dealing in the last resort with every question of a spiritual kind that may arise, but composed of lawyers and politicians, appointed irrespectively of any religious persuasion, or religious profession. But with regard to the temporal means of coercion vested in these courts, it may safely be stated, that this power, so far from "aiding" the Church, has done more than anything to compromise the

meantime, to remain in force. But the revision never was effected, and therefore the old canon law has continued in force to the present day.

\* In a charge published in 1840, the late learned Bishop of Lincoln observes, at p. 22, "The courts in which it (the spiritual authority inherent in the office of a Bishop) is exercised are still called the Bishop's Courts, as they were before the Reformation; but they are in the eye of the law the courts of the Crown."

spiritual character of the Church, and to prejudice her in the public estimation. For while it is universally felt that a spiritual court in dealing with a spiritual matter ought to have no other hold upon the compliance of parties than is afforded by moral and religious considerations addressed to the conscience, these courts are seen to compel acquiescence in their decrees, chiefly by the exercise of temporal power. Hence their sentences of excommunication become matters of mere mockery and scorn ; and the Church, which is held to be implicated in the proceedings of these courts, is both degraded and rendered odious by them in the public estimation. But that this inauspicious "aid" to the Church is no article in any alleged alliance between the Church and State is evident from the circumstance, that it was rendered long before this alliance can be supposed to have been contracted, *i. e.* long anterior to the times of the Reformation, with this difference, that before the Reformation, and for some time after it also, it was rendered in a still greater and more objectionable degree, for then the spiritual courts could obtain a writ from Chancery *de heretico comburendo*, whereas now their powers are limited to the *de excommunicato* or *contumaci capiendo*.

Nor can the right given to the bishops of the Anglican Church to sit and vote in the temporal legislature be quoted as one of the terms of the

supposed alliance, for this practice has existed from the times of the Heptarchy to the present day ; nor the coronation of sovereigns by prelates of the Church, a practice of probably equal antiquity. It is true that the Sovereign, the head of the Church, is required by the Act of Succession to be a Protestant, whereas previously he or she might be in communion with the Church of Rome instead, as indeed it happened in the instance of James II. ; and that at every sitting of either house of the legislature, prayers are read by a clergyman of the Church before the commencement of business. I pass over the appointment of clergymen of the Established Church to chaplaincies in gaols, in union work-houses, and in the army, because ministers of other religious denominations also may be, and often are appointed to perform the duties of these posts. Such, however, are the only grounds upon which any alliance can be supposed to have been contracted between the State and the Church in this country. It is far from the writer's intention to disparage these or any other national recognitions of the Church and of public religion ; but that their effect in constituting any proper alliance between the two powers is altogether counter-balanced by other far more weighty considerations, he will proceed to show by reference to unquestioned facts. If by adducing these he can show, as he fears that it can too clearly be shown, that



the relation between the Church and State is in reality the dependence of the former and the entire predominance of the latter, he will thereby have abundantly proved the non-existence of any real alliance between them. For it is evident that the complete subjection of one power to another is no true alliance ; since the very name alliance implies some considerable approach to independence and equality of terms in each of the contracting parties. An alliance by which one party controls, coerces, domineers over, uses alternately as victim and tool, the other party, is, to take an historical illustration, the kind of alliance by which the great military oppressor of Europe gilded the chains of tributary and subservient princes and confederations. The relations in question are to be accounted for in a far simpler and less refined manner than by the supposition of a virtual alliance between the two powers, and may be referred for their origin to no more recondite principle than "the right of the stronger."

X The writer then asserts that ERASTIANISM is the prevailing and essential element of the relation existing between the State and the Church in this country. The condition of the Church of England in this respect has been described by a member of some other communion, probably of the Scottish Kirk, in a phrase which has become current, and which, however strong, the present writer fears is but too true a representation of the

fact, as "Erastian to the heart's core." For in truth the action of the temporal power in this country has, in some instances, suppressed, and in others assumed to itself, many of the vital, and inherent functions of the Church, and has thus deprived her of many of her spiritual prerogatives, of the greater portion of the authority originally given to her, and of the liberty and the rights which she was plainly designed to exercise, in the fulfilment of her great object and mission, by the Divine Head and Lord of the universal Church.

In order to the elucidation of this point, it will be requisite to point out the manner and degree in which the civil power in this country, both in theory and practice, deals with certain of the essential functions of the ecclesiastical power. Among these functions (to judge by the teaching and records of Holy Scripture, and of the apostolical age, the very notion and nature of the Christian Church as a divinely-instituted Society for the maintenance and extension of Christian religion, and the general tenor of ecclesiastical usage and precedent, and the common consent of Christians in general), the following are clearly to be discerned:—1, government; 2, the holding synods or deliberative councils for authoritatively determining any questions of doctrine or discipline that may arise in the Christian community, and for making rules and laws for the regulation of its affairs, and for taking common counsel for its

welfare and interests ; 3, the obliging, by sanctions purely of a moral and spiritual nature, the conformity of the members of the community to the laws of the Gospel, and to its own rightful ordinances ; 4, the election of its own spiritual governors. In every one of these particulars it will appear, by reference to facts, that the essential functions, with which the Christian Church was originally endowed, have in this country either been assumed, impeded, or altogether suppressed by the State, so indeed as fully to justify the implied admission of Bishop Warburton, in stating the terms of the alliance which he supposes, that the Anglican Church has lost her proper independence, self-action, and authority.

I. First, then, the assumption by the State of the government of the Church in spirituals, and the consequent loss of that authority by the latter, is plainly declared, or clearly implied, in a variety of unrepealed statutes of the realm, especially in those of Henry VIII., Edward VI., and Elizabeth. It would be impossible, in a work of this kind, to quote all the statutes or clauses of statutes declaring or implying that the government of the Church has been chiefly assumed by the civil power. It will suffice to quote from a few of the most important of these enactments, those, namely, which belong to the period at which the assumption in question was introduced. The following occurs at the commencement of the statute 26

Henry VIII., cap. 1, entitled the "King's grace to be authorised supreme head." "Albeit the king's majesty justly and rightfully is and ought to be the supreme head of the Church of *England*, and so is recognised by the clergy of this realm in their convocations, yet nevertheless, for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of *England*, and to repress and extirp all errors, heresies, and other enormities and abuses heretofore used in the same; be it enacted, by authority of this present parliament, that the king our sovereign lord, his heirs and successors, kings of this realm, shall be taken, accepted, and reputed the only supreme head on earth of the Church of *England*, called *Anglicana Ecclesia*; and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and style thereof, as all honours, dignities, pre-eminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of supreme head of the same Church belonging and appertaining;\* and that our said sovereign lord, his heirs, and successors, kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, offences, contempts, and enor-

\* "Head of the Church" was a title previously appropriated to the Pope in Western Christendom.

mities, whatsoever they be, which by any manner of spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended most to the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity, and tranquillity of this realm ; any usage, custom, foreign laws, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding." From this Act the origin of the existing relations between the Church and the temporal constitution in this country is universally dated, and it is regarded as that which lays down the principles of what in general terms is called the union or connection of Church and State. There are a number of other subsequent Acts in this reign, which further illustrate, assert, imply, or enforce the supreme power thus assumed by the Crown ; for, as it may be supposed, all the precision and force of law was required to carry out so singular and unprecedented a pretension of royal power. But of these various enactments it will be sufficient to allude to one not perhaps very generally known, which, although its object be of a purely subordinate kind, incidentally lays down the extent of this royal spiritual authority in terms as broad and positive as can be found in the whole series. The Act in question is the 37 Henry VIII., cap. 17, and it happens that the object of it is, as reference to it will show,

to contravene the provisions of the ancient canon law, by which none but ecclesiastics could exercise by delegation any office of ecclesiastical jurisdiction, and to authorise doctors of civil law, being married, to hold offices of the kind. Such is the simple *purview* of the Act in question ; but in the course of it such assertions as the following are to be met with :—"Your most royal Majesty is, and hath always justly been, by the word of God, supreme head in earth of the Church of England, and hath full power to correct, punish, and repress all manner of heresies, errors, vices, sins, abuses, idolatries, and superstitions sprung and growing within the same, and to exercise *all other manner of jurisdictions commonly called ecclesiastical jurisdiction*,"—"the archbishops, bishops, archdeacons, and other ecclesiastical persons who have *no manner* of jurisdiction ecclesiastical but by, under, and from your Majesty,"—"your Majesty is the only and undoubted supreme head of the Church of England and also of Ireland, to whom, by holy Scripture, all authority and power is wholly given to hear and determine *all manner of causes ecclesiastical*, and to correct vice and sin whatsoever, and to all such persons as your Majesty shall appoint thereunto,"—"any archbishop, bishop, archdeacon, or other person whatsoever having *authority under your heirs and successors* to make any chancellor, vicar-general, commis-

sary, official, or register." No more express ascription to a human being of the plenitude of spiritual dominion could be devised than this, importing, as it does, even more power than most subjects of the Romish obedience would attribute to the Bishop of Rome himself. Nor is a less plenary power arrogated by the Crown in an Act passed in the 1st year of Edward VI., when the hereditary "head of the Church" was a boy of nine years old. "All authority of jurisdiction, spiritual and temporal, is derived and deduced from the King's Majesty as supreme head of these Churches and realms of England and Ireland, and so is justly acknowledged by the clergy of the said realms,\* so that all courts ecclesiastical within the

\* This assent of the clergy, upon which so great and frequent stress is laid in these Tudor claims of ecclesiastical absolutism, was, as the history shows, first wrung from the Convocation by the terrors of a *premunire*, and afterwards enforced upon them under the penalty of treason. The *premunire* charge was brought against them as having acknowledged Cardinal Wolsey's exercise of legatine powers in England, to which Henry VIII. himself had all along been a consenting party. Yet that monarch did not scruple to order an indictment on this charge to be preferred in the King's Bench against the whole Convocation, and indeed all the clergy of England; and the Convocation of Canterbury were only allowed to escape the consequences by paying a hundred thousand pounds to the king, and acknowledging him as supreme head under God of the Church of England! The Convocation of the province of York were let off the *premunire* prosecution on acknowledging the king's headship and paying L.18,840. In the manner in which Henry VIII. induced the Convocation of York to acknowledge his "headship"

said two realms be kept by no other power or authority, either foreign or *within* the realm, but by the authority of his most excellent Majesty." If any doubt can be entertained as to the meaning and extent of these pretensions, it will be removed by a slight reference to the actual manner in which they were carried out. But as it would be impossible here to notice all the instances of the exercise of a jurisdiction, the very name of which was borrowed from the pope, but which embraced far more than papal power, it may be sufficient to call attention to the "commissions" which the bishops in the reigns of Henry VIII. and Edward VI. took out from the king for the exercise of their most ordinary authority. A specimen of these is preserved in a commission which, in the reign of Henry, was taken out by the Bishop of

over the Church may be observed that craft and dissimulation which the truculent monarch knew so well to exert upon occasion. For when that body sent their reasons to the king why they could not acknowledge him supreme head, which, says Burnet in his History of the Reformation, "appear to have been chiefly founded on this, that the term 'head' was improper, and did not agree to any under Christ;" the king in his answer urged, "that words were not always to be understood in their strict sense, but according to the common acceptance." Yet when the title had once been conceded to him and confirmed by Parliament, he plainly showed, by his language and his acts, in how strict a sense he construed the term in favour of his own exercise of power in all matters affecting the faith, discipline, and ritual of the Church. From this transaction dates the royal "headship" of the Church of England, which divines have so elaborately explained away, or justified.



London. At the commencement of this instrument the following words occur:—"Quandoquidem omnis jurisdictionis auctoritas atque etiam jurisdictionis omnimoda tam illa quæ ecclesiastica dicitur quam sæcularis à regiâ potestate velut à supremo capite et omnium infra regnum nostrum magistratum fonte et scaturigine primitus emanavit, tam illos, qui jurisdictionem hujusmodi antehac non nisi precario fungebantur, beneficium hujusmodi sic eis ex liberalitate regiâ indultum gratis animis agnoscere, idque regiæ munificentiae totummodo acceptum referre, eique, quoties ejus majestati videbitur, libenter concedere convenit."

The document proceeds to the effect that "the Lord Cromwell, knight of the garter, vicegerent, and vicar-general to preside, manage, and direct in all ecclesiastical causes, was so far employed in matters of state, that he was not at leisure to discharge the function of a vicegerent wholly delegated to him by the king, supreme head of the Church of England; for this reason the king graciously gives (as the document states,) the Bishop of London a commission to execute all the branches of the Episcopal authority under his Highness." In this position, (continues the document,) he has a royal licence to *ordain* within the diocese of London, to visit the dean and chapter of St. Paul's, and all other colleges, hospitals, monasteries, clergy and laity, within his district.

Power is likewise given to him to hear causes, and to give sentence in the spiritual courts, to exercise discipline and inflict censures according to the directions of law, and the degrees of the criminal's offence, and in short, *to execute everything belonging to the authority and jurisdiction of a bishop.* After the king had thus in this document declared himself patriarch in his dominions, claimed all manner of spiritual authority, and pronounced the bishops no more than his delegates at pleasure,—after this, the following words are thrown into the commission to give it a fairer appearance: “Per et ultra ea quæ tibi ex sacris literis divinitus commissæ esse dignoscuntur.” These words, while running counter to the general tenor of the commission, are manifestly nugatory: for if the bishops in the execution of all parts of their office are merely delegates and deputies of the king, the fountain of all spiritual jurisdiction, as this document states, they can have no jurisdiction assigned in the said Scriptures, or any authority derived from our Saviour. The same commission, with the sole omission of any mention of a vicegerent, an office which after Cromwell's execution fell into entire abeyance, was again taken out by the bishops from the boy-king Edward VI. It is true that this kind of commission was quickly discontinued, as indeed it was too monstrous and glaring an application of

the principles of royal supremacy laid down in the statutes to be prudently persevered in. Yet it deserves notice, not only as showing the manner in which that supremacy was understood and exercised at the time it was first assumed, but as exhibiting a perfectly legitimate, however startling, practical development of the principles in question, and a logical deduction from the premises supplied by these principles. And it may be observed, in passing, that the very discontinuance of those regal commissions to the bishops for the exercise of their whole episcopal jurisdiction, evidently proves a consciousness on the part of the Crown of the wrongfulness of the authority claimed by it, of which the issue of these commissions was a congruous though extreme exercise. For if every kind of ecclesiastical authority *be* rightfully lodged in the Crown, as the statutes import, then clearly the bishops *can* only exercise their jurisdiction by delegation from it.

The same plenary power in things ecclesiastical is ascribed to the Crown in the celebrated ecclesiastical code, prepared by a commission composed of Cranmer and others and appointed by Edward VI. under the authority of an Act of Parliament, termed "*Reformatio legum ecclesiasticarum*"—a code which the death of that king alone prevented from receiving the royal confirmation. In that code the following words occur, which are of im-

portance, as expressing the view then taken of the nature and extent of the king's spiritual powers. "Rex tam in Archiepiscopos Episcopos clericos et alios ministros quam in laicos infra sua regna et dominia positos plenissimam jurisdictionem tam civilem quam ecclesiasticam habet et exercere potest. Cum omnis jurisdictio et ecclesiastica et secularis ab eo tanquam ex uno et eodem fonte derivantur," &c.

The statutes of Henry VIII. and Edward with all the practical deductions which flowed from them were abolished by Mary, and the papal for which the royal supremacy had been substituted was again revived; for it was the misfortune of the Church in those times to be bandied backwards and forwards from the Pope to the Sovereign, from the Sovereign to the Pope, and, as it happened afterwards, from the Pope to the Sovereign again. The repealed statutes of Henry and Edward were in the next reign *revived* by an Act called 1 Elizabeth, cap. 1., entitled "an Act to restore to the Crown the late jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same."\* In this last, as full an

\* Upon this Act and the Act of Uniformity which accompanied it, Mr. Hallam thus observes,—“The two statutes enacted in the 1st of Elizabeth, called the Acts of Supremacy and Uniformity, are the main links of the Anglican Church with the

assumption of plenary ecclesiastical sovereignty is contained, as in any act of the preceding reigns, and the same basis of the existing relations of Church and State is as strongly laid down as by the 26th Henry VIII. c. i., to which recent reference has been made. Thus the 17th section of this Act of Elizabeth, drawn in the ancient form of a Petition in Parliament, enacts, " And that also it may likewise please your highness that it may be established and enacted by the authority aforesaid, that such jurisdiction, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, *as by any spiritual or ecclesiastical person or authority hath heretofore been*, or may lawfully be exercised, or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial crown of this realm." In this Act an oath is prescribed for the enforcement of this supreme authority in all ecclesiastical matters, which, though it has been altered to its present

temporal constitution, and *establish the subordination and dependency of the former*, the first abrogating all jurisdiction and legislative power of ecclesiastical rulers, except under the authority of the Crown, and the second prohibiting all changes of rites and discipline, without the approbation of Parliament.—*Constitutional History of England*, vol. i. p. 288.

form by the 1 William and Mary, cap. 8, is worthy of notice, as throwing a light upon the intention of the important Act with which it was incorporated, and especially as having received an authoritative interpretation from the Queen, and subsequently from Parliament also. In the oath, these words occur, "I, A. B. do utterly testify and declare, in my conscience, that the Queen's Highness is the only supreme governor of this realm, and of all other her Highness' dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal; and that no foreign, &c., and do promise I shall bear faith and true allegiance to the Queen's Highness, her heirs and lawful successors, and to my power shall assist and defend *all* jurisdictions, privileges, pre-eminencies and authorities granted, or belonging to the Queen's Highness, her heirs, and successors, or *united and annexed to the imperial Crown of this realm.*" Much difficulty was experienced by many in taking an oath couched in such terms, though a first refusal of it subjected the offender to a *premunire*,\* and the second to the savage penalties of high treason. To remove this difficulty the Queen thought it politic to issue an "Admonition to simple men deceived by malicious," interpretative of the terms of the oath,

\* This penalty consisted of imprisonment for life, and the loss of all civil rights, and of every species of property.

in which admonition the same extent of ecclesiastical absolutism is arrogated as in the statute enforcing the oath, although, with that ingenious dissimulation, which we have observed in the case of the commission for exercising the episcopal office taken out by the bishops from Henry VIII. and Edward VI., there is one clause thrown into it which might seem to evacuate the obnoxious part of it, and so might ensnare reluctant minds into taking it.

The following is the purport of this Admonition—"The Queen is informed that sundry of her native subjects, being called to the ecclesiastical ministry of the Church, find scruples in the form of the oath ;" but that "she would that all her subjects should understand that nothing was, is, or shall be meant or included by the same oath, than was acknowledged to be due to the most noble king of famous memory, King Henry the Eighth, her Majesty's father, or Edward VI., her Majesty's brother." She goes on to forbid any from notifying to her subjects, "how by words of the said oath it may be gathered that the Kings or Queens of this realm may challenge authority or power of ministry of divine service.\* For certainly

\* No one can fail to observe the frequency with which the ludicrous disavowal on the sovereign's part, of any claim to celebrate divine service, is made and insisted upon, as of great importance. But the very disavowal, coupled with the enormous spiritual pretensions put forth on the part of the Crown, would

her Majesty neither doth or will challenge any authority than that was challenged, and lately used by the said noble kings of famous memory, King Henry the Eighth and King Edward the Sixth, which is and was of ancient time due to the imperial Crown of this realm, that is under God, to have the sovereignty and rule over all persons born within these her realms, dominions, and countries, of what estate, either ecclesiastical or temporal, soever they be, so as no other *foreign* power shall or ought to have any superiority over them." The admonition concludes with the assurance that the Queen would be satisfied with those who should make the oath in this sense.

This interpretation of the oath, which *in reality* diminishes in no degree the whole extent of the claim of supremacy, itself received an interpretation from Parliament in the act 5 Elizabeth, cap. i. sect. 14, as follows: "Provided also, that the oath expressed in the said act, (1 Elizabeth cap. i.) made in the said first year shall be taken and expounded in such form as is set forth in an admonition annexed to the Queen's Majesty's injunctions, published in the first year of her Majesty's reign, that is to say, to confess and acknowledge in her Majesty, her heirs, and successors,

on the contrary warrant the inference, (according to the maxim *exceptio probat regulam*), that the monarch claimed every other kind of ecclesiastical authority.



*none other authority than that challenged and lately used by the noble King Henry VIII. and King Edward VI., as in the said admonition more plainly may appear."* One more parliamentary declaration of the same point shall be adduced from a statute of this reign, not only on account of the explicit nature of the terms in which the principle in question is declared, but also of the instructive practical application of it which the act contains. It appears, from the history of the times and from the preamble of this Act (it is the 8th Elizabeth, cap. i.), that doubts had been thrown upon the due and regular election and consecration of Archbishop Parker and others of the bishops who had been hitherto appointed during this reign. To allay these doubts recourse was had, according to the practice of the times, to an Act of parliament, and the *grounds* of the validity of these episcopal appointments, as laid down in the statute, are remarkably instructive on the present point. "First, it is very well known to all degrees of this realm that the late king of most famous memory, King Henry VIII., as well by all the clergy of this realm in their several convocations, as also by all the lords spiritual and temporal, and commons, assembled in divers of his parliaments, was justly and rightfully recognised and acknowledged to have the *supreme power, jurisdiction, order, rule, and authority over all the*

*estate ecclesiastical of the same*, and the same power, jurisdiction, and authority did use accordingly; and also the late king of worthy memory, King Edward VI., did lawfully succeed the said late King Henry his father, in the imperial crown of this realm, and did justly possess and enjoy all the *same* power, jurisdiction, and authority before-mentioned, as a thing to him descended with the same imperial crown, and so used the same during his life.—At the parliament holden at Westminster in the first year of the reign of our sovereign lady the queen's majesty that now is, by another act and statute then made, all such jurisdiction, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, *as by any spiritual or ecclesiastical power or authority hath heretofore been or may lawfully be used over the ecclesiastical estate of this realm*, and the order, reformation, and correction of the same, is fully and absolutely, by the authority of the same parliament, united and annexed to the imperial crown of this realm; whereupon our said sovereign lady the queen's most excellent majesty being most justly and lawfully invested in the imperial crown of this realm with all authorities, pre-eminence, and dignities thereunto appertaining, and thereby having in her majesty's order and disposition *all the said jurisdictions, powers, and authorities, over the state ecclesiastical and temporal, as well in causes*

*ecclesiastical* as temporal within this realm, and other her majesty's dominions and countries, hath by her *supreme authority* at divers times since the beginning of her majesty's reign caused divers and sundry grave and well-learned men to be duly elected, made, and consecrated archbishops and bishops, &c.; her highness, by her supreme authority, hath dispensed with all causes or doubts of any imperfection or disability that can or may in any wise be objected against the same—so that to all those that will well consider of the effect and true intent of the said laws and statutes, and of the *supreme and absolute authority of the queen's highness*, and which she, by her majesty's said letters patent, hath used and put in use in and about the making and consecrating of the said archbishops and bishops, it is and may be very evident and apparent that *no cause* of scruple, ambiguity, or doubt, can or may justly be objected against the said elections, confirmations, or consecrations, &c." From this remarkable Statute it will be perceived not only that the plenary, nay, the *absolute* jurisdiction and power of the Crown in all things ecclesiastical is again asserted; but that it is urged as an unanswerable proof of the propriety and validity of the episcopal appointments which had been made in this reign. The Queen is supreme in all ecclesiastical authority: therefore, the bishops she has made are

duly made. Such is the reasoning of this statute; and whether or not it may have been considered conclusive upon the particular point then in question, it unquestionably exemplifies, in the clearest manner, the pope-like nature and extent of the ecclesiastical authority arrogated by the sovereign in virtue of the statutes of the realm,—statutes, be it remembered, which are still unrepealed and in force, and which are universally referred to by historians, politicians, and lawyers, as establishing and defining the existing “relations of Church and State.”

Such is the law as laid down in the statutes of Elizabeth’s reign. The same principles are not less clearly propounded in the canons of 1603, which were brought into the Convocation ready prepared by the court bishops, passed by that body, and confirmed by James I. in accordance with the powers vested in the Crown by the Act 25 Henry VIII., cap. 19, and which, therefore, possess full authority both ecclesiastical and civil, and which are legally in force at the present day, excepting in those particulars in which they happen to be contravened by subsequent acts of parliament. In the royal declaration prefixed to these canons, the king rests the authority by which he permitted the Convocation to make them, upon his “prerogative royal and supreme authority in causes ecclesiastical.” And the language of various of these canons is most explicit in owning and

ensuring this supremacy. Thus, in the first of them it is ordained, that the bishop and clergy observe, and to the best of their power cause to be observed by others, the laws establishing the royal supremacy, and at least four times a-year inculcate the doctrine from the pulpit. The 2nd canon decrees excommunication against any who impeach this supremacy in any respect. The 3rd canon speaks of the Church of England, as "by law established under the king's highness." The 7th canon denounces excommunication against any who shall affirm, "that the government of the Church of England, under his majesty, by archbishops, bishops, deans, archdeacons, and the rest that bear office in the same, is anti-christian and repugnant to the word of God." In the 12th, the same penalty is decreed against any who affirm that it is lawful for any person, ministers, or laymen, to make ecclesiastical canons without the king's authority. In the 27th canon, the refusal of the sacrament of the Lord's supper is enjoined against offenders in various particulars, among which is the "speaking against, and depraving his majesty's sovereign authority in causes ecclesiastical." This subject is in fact recurred to in these ordinances, more frequently than any other ; but it will be unnecessary to notice any other, excepting the 36th canon, which contains the following important article ; " That the king's majesty, under God,

is the only supreme governor of this realm, and of all others his highness's dominions and countries, as well in all spiritual or ecclesiastical things, or canons, as temporal, and that no foreign, &c." To this article, together with two others on different subjects, the clergy are by the same canon required at ordination and admission to benefices or curacies, (and the requirement is strictly carried out to the present day,) to subscribe according to the following prescribed form, viz.: "I, N. do willingly, and *ex animo* subscribe to these three articles above-mentioned, and to all things that are contained in them." The doctrine of the royal government over the Church, thus laid down and enforced, is further asserted in the reign of the succeeding Stuart, of whom it may safely be asserted, that the manner, legal as it was, in which he exercised the supremacy vested in him by law, was one of the principal causes of his downfall. However, in the Declaration prefixed by Charles I. to the 39 Articles, and intended by him to restrain the Puritan preachers from delivering predestinarian discourses—a declaration, which to the present day is continued as authoritative, and is regarded as definitive of the mode of interpreting the 39 Articles—the monarch describes himself as "by God's ordinance, according to his just title, Defender of the Faith, and Supreme Governor of the Church, within these his domi

nions;" and again asserts, "that we are the Supreme Governor of the Church of England." While the whole substance of the declaration itself is as Erastian, as it was doubtless regarded in those days. One more express and authoritative assertion of the sovereign's ecclesiastical title, and that in more recent times, shall be mentioned. It may be premised, that Elizabeth purposely refrained from assuming the *title* of Head of the Church, probably from the still more glaring absurdity of such a title in a female; and of this circumstance much has been made by those who would repel or extenuate the charge of Erastianism, brought against the Church and State of England. Nevertheless, it must be remembered that that queen did not fail to revive all the statutes of Henry VIII., which gave that title and the corresponding power to the sovereign for the time being; and that thus she virtually assumed the title to herself, as she unquestionably assumed the powers considered to be attached to it. But if any doubt should still remain of the legal propriety of this title at the present day, as applied to the sovereign of Great Britain and Ireland, it will be removed by reference to the act 2 and 3 Anne, cap. 11, relating to what is commonly termed "Queen Anne's Bounty," in which that queen is thus addressed by the parliament: "Your majesty hath been most graciously pleased, out of

your most religious and tender concern for the Church of England, (whereof your majesty is *the only supreme head on earth*,) and for the poor clergy thereof, not only to remit the arrears of your tenths, due from your poor clergy, but also, &c." Such then is the standing law on the subject. The sovereign is indisputably, in title, and legal reality, the head of the Church of England,—invested with the supreme government of it; declared to have all manner of jurisdiction, such as ever had been lawfully exercised by any authority (including manifestly the Papal), in spiritual and ecclesiastical matters, and to be the source and fountain of all jurisdiction exercised in it by archbishops, bishops, and other ecclesiastical office-bearers, who are declared to be subordinate to the sovereign, in dealing with all ecclesiastical causes and things. In the presence of these explicit and frequent enactments, and legal declarations, it certainly is wonderful, that any question should have been raised, whether the supreme government of, and jurisdiction over, the Church in spirituals is vested by law in the sovereign, or that it should be necessary now to enter into all these details, to prove that such is the fact. It is true, indeed, that the positive exercise of this power has been practically limited, by the general retrenchment of regal power, which time and custom, and change of public opinion, and greater



enlightenment have effected in every respect, though least of all, with respect to the Church. It is also true, that a further limitation has been imposed upon the positive exercise of this power, by the abolition, in the reign of Charles I., of the ecclesiastical commission, which by the fore-mentioned Act of 1 Elizabeth, cap. 1, the queen and her successors were empowered to appoint (as the 18th clause of this fundamental enactment states), "to exercise, use, occupy, and execute, under your highness, your heirs, and successors, all manner of jurisdictions, privileges, and pre-eminences in anywise touching or concerning any spiritual or ecclesiastical jurisdiction, within these your realms, &c.; and to visit, reform, redress, order, &c., all such errors, heresies, schisms, &c., which by any manner of spiritual or ecclesiastical power, authority, or jurisdiction, can, or may lawfully be reformed, ordered, redressed, &c." The commission erected by Elizabeth, in virtue of this clause, and continued under James I. and Charles I., though it was an instrument simply to carry out into exercise and effect the supreme ecclesiastical authority vested in the Crown, and was continually kept within its proper legal bounds by prohibitions from the courts at Westminster, was yet so intolerable in its pressure upon the liberties and consciences of the people, that its abolition was one of the first concessions, which

in the struggle for civil liberty, were extorted from the king by the parliament in 1640; and it was at the same time enacted, that for the future, no new ecclesiastical commissions should be erected by the Crown with the like power, jurisdiction, or authority. And although James II., among other ways of exercising his supremacy for the subversion of the Church of which he was called "head," erected, by a legal construction of the words of the Act 1 Elizabeth, cap. 1., another like ecclesiastical commission, whereby he suspended bishops and deprived clergymen who were adverse to his Romanizing views; that commission was pronounced illegal, by a clause in the Bill of Rights, in the reign of William and Mary. Thus, therefore, although the *theory* of the absolute spiritual supremacy of the crown has remained intact to the present day, as regards the Church of England, its practical and positive exercise has been materially restrained, by the loss of the only kind of engine adapted to putting it fully into operation; that is, of a commission, armed with extensive temporal power, to enforce that supremacy in all its various aspects and bearings. This, however, is the only legal limitation which has been imposed upon the ecclesiastical supremacy of the Crown, which, as exercised by the civil ministers of the Crown, and by a court which hears and determines appeals in the name of the

sovereign, still embraces a large extent of positive power in ecclesiastical matters, as in suppressing all synods, appointing bishops, and judging in spiritual matters. The scheme of Tudor and Stuart supremacy still stands as large as ever in its pretensions, but with diminished powers of summarily carrying out those pretensions to their full extent. Still its *negative* effect is great in depriving the Church of her spiritual functions; though reduced in power itself, it operates to prevent the Church from exercising her powers. And what are, perhaps, the worst results of it, it furnishes precedents and a basis for any future legislative encroachments upon ecclesiastical rights, and it creates that "*jus vagum et incognitum*," which gives room for such further innovations on the part of the civil executive, as time, circumstances, or a favourable state of public opinion may suggest or dictate. And, at the very least, the *principles* of the whole legal theory of royal supremacy are assented to in explicit terms by the clergy, to their own great grievance, to the prejudice of their character and usefulness, and to the consequent detriment of the Church and of religion, in this country.

And it is to be observed, that the present argument is not affected by the relaxation of the practical pretensions of the Crown, since much of the ecclesiastical power which the Crown has

virtually lost, is exercised by the civil power in another form; namely, by the temporal legislature. This body, though in no way connected with the Church, either as representing it or even as being composed exclusively of members of it, and disavowing with perfect truth any such connexion with it, and still more any attachment towards it above the other religious communities, is practically the only body which at present can legislate effectually either upon the discipline, or organisation, or extension of the Church, or any other matter affecting her interests. The obvious unfitness, to say the least, of such a body, to deal (though it were even in a spirit of attachment towards the Church) with the various important matters of this kind, often involving questions of much perplexity, and not seldom, though it be incidentally, of controverted doctrine, has become so evident, that many even of its own members, have shown a consciousness of it, and an aversion to debates on these subjects. At the same time many influential persons in the Church, however desirous of various necessary improvements in the working of the ecclesiastical system, which at present could only be effected by the intervention of Parliament, yet have declined invoking that intervention, as involving even greater evil than the delay of the improvements in question. However, by far the greater part of all the legislation

for Church purposes that has taken place within the last three hundred and twenty-three years, has been effected through Parliament, with the occasional advice and consent, it is true, of the Church's Synod, while that was permitted to sit; but, since the suspension of that body, through Parliament *alone*. Churches are built, and the manner of their patronage and endowment determined, bishoprics have been destroyed and created, ecclesiastical districts formed, marriage rites solemnised in particular churches, solely by the authority, and according to the terms prescribed by Parliamentary enactments. Parliament has created a commission for transacting a considerable portion of ecclesiastical business; has retrenched and altered cathedral bodies, and has decreed the number and the duties of their members. It has, within the last few years, assumed the power of distributing at its discretion the endowments of the Church. Parliament even regulates the degree in which the Church of England may hold intercommunion with churches of other lands.\* The whole matter of the correction of clerks is entirely dependent upon the Act 3 and 4 of Vic-

\* It having appeared desirable that the clergy of the Scottish Episcopal and American Churches should be enabled to officiate in the congregation of the English Church, which was contrary to ecclesiastical statute law, a bill was passed a few years ago enabling a clergyman of either of these churches to officiate, with the written permission of the diocesan, for *one* Sunday.

toria. Measures have been passed relating to the residence of the clergy, the amount of preferment they may hold, the number of months they shall reside, even the number of religious discourses they may be required by their bishops to deliver to their people. And the regulations concerning military, gaol, and union workhouse, and foreign chaplaincies and the services attached to them, or affecting lay offices in the Church, are altogether a matter of Parliamentary enactment. In fact, the ecclesiastical statutes of the realm, which have swelled to an enormous extent, deal with every conceivable matter connected with the Church in this country.

The particulars now cited, which are of a very general description, and which certainly do not embrace the whole compass of the subject, abundantly prove that the virtual government of the Church has been, and is, arrogated and exercised by the civil power, whether, as in the days of Tudor absolutism, that power chiefly resides in the Crown, or, as in these days, in the heterogeneously compounded council of the nation. And, as the statutes run in the royal name, and are, indeed, the official acts of the sovereign for the time being, this kind of legislation is in perfect accordance with the principle of the royal supremacy in all things and causes ecclesiastical and spiritual, as laid down in the Tudor statutes, and assented to

by the clergy in the thirty-seventh of the Thirty-Nine Articles, and in the first of the three articles of the thirty-sixth canon. For, in the thirty-seventh Article in question it is distinctly affirmed, that unto "the Queen's Majesty the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes doth appertain." In *all* causes, whether ecclesiastical or civil. It is true that, at the latter end of this Article, there is an apparent drawing back from the assertion, and a dissimulation of the entire domination of the Crown in spiritual matters, and a defining of that power to consist in the restraining with the *civil* sword the "stubborn and evil doers." But this definition evidently comes too late after the assumption of the chief government in *all* causes ecclesiastical. It is exactly one of those ingenious qualifications and balancing counter-statements in which, as we have observed in the case of the times of the Bishops' Commission in the reigns of Henry VIII. and Edward VI., and in Queen Elizabeth's aforementioned interpretation of the then Supremacy Oath, and, as may be seen in many other instances, the statecraft of that politic age delighted, when actually assuming ecclesiastical autocracy. By these means it sought to combine the maximum of real power with the minimum of odium and ridicule, and perhaps of resistance also, threw a delusive colour and appearance of fairness over its claims,

and thus both furnished some ground of reply, when required, against Romanist, Puritan, and other objectors, and a snare and a salve to the minds of the clergy and others who should be called upon to express their assent to those claims. But, lest the plenary authority of the civil power in ecclesiastical matters should not be admitted in sufficiently distinct terms by subscribers to this article, the courtly zeal of Bishop Bancroft, in introducing the canons of 1603, subsequently adopted that more explicit article of the thirty-sixth canon which has been already quoted, and to which, as the canon imposing it accurately states, such a subscription is required as "avoids all ambiguities."

The extent to which the function of spiritual government has thus been suppressed in the Anglican Church, will receive further illustration, if we consider the actual position in which her bishops stand, and the light in which they are usually regarded—they who, by the name and theory of the episcopal office, are the chief governors in her affairs, and the chief pastors and fathers in God over the Christian community. The records of the history of the Church show that in primitive and succeeding ages, the ordinary practical government of the members and administration of the affairs of every particular Church was exercised by the bishop, who took counsel with the other bishops of the province, and in some cases



acted with their co-operation, and, in every matter of importance, with the concurrence and consent of the Presbytery of the diocese as his council and consistory; and that no other means existed of enforcing obedience to this paternal and spiritual kind of authority than was afforded by the fear or the infliction of those spiritual censures which, according to the commandments of Christ, the Apostles had instituted in His Church, and which would be regarded by those alone who prized the privileges of Christian fellowship.

Such is a brief description of the normal condition of the Christian Church in regard to its government, as generally exhibited throughout the whole community of Christians in earlier ages, and as partially witnessed to in all succeeding times to the present day. But with the Anglican Church, the case is notoriously far different. The effective spiritual authority of the bishops, considered apart from any personal influence which individuals of the number may be able to exert, is in total abeyance. Raised to a conspicuous position in the Church, and sent to the government of a diocese, by the absolute nomination of the reigning minister of the Crown; and rendered, as he is by law, not only irremovable from his important office,\* but even, as it appears, incapable of formally re-

\* Excepting, it appears, in cases of flagrant immorality; but even in such case a special Act of Parliament would probably be required.

signing it himself, any recourse he may have to his episcopal brethren and to the general body of the clergy of his own diocese, for advice and co-operation in administering the affairs of that diocese, is, on his part, perfectly gratuitous. But while thus independent of his brother bishops and of the body of the clergy of the second order, he is, in many important respects, dependant upon the Crown, both by the ties of gratitude for royal or ministerial favour, and, if he be desirous of rising to a more exalted post, by the hope of further preferment; while he is bound to execute any commands on ecclesiastical matters which may fall within the large and indefinable scope of supremacy-law. It is true, that from the increased enlightenment of the members of the Church and of the public generally on ecclesiastical matters, royal commands of this kind, as not possessing much moral weight in the general estimation, are not in these days issued with the particularity of detail and the frequency of dictation which marked the exercise of the royal supremacy over the bishops in the Tudor and Stuart reigns, or even in times succeeding the revolution of 1688, down to the middle of the reign of George I. :\* a cir-

\* The last theological command issued by the Crown to the bishops appears to have been George the First's "Directions to our Archbishops and Bishops, for the preserving of unity in the Church and the purity of the Christian Faith, particularly in the doctrine of the Holy Trinity." Anno Dom. 1721. In this, that King says, that, "out of our princely care and zeal for preserv-

cumstance which may in part also arise from the comparative indifference of most modern statesmen to the matters with which such commands would be conversant. Still the bishops of the Church of England may, at any time, according as the state of public opinion may dictate or permit, be called upon to obey such commands on matters peculiarly connected with the exercise of their own office in the Christian Church. Nay even in these days, in the appointment of any extraordinary religious observances or charitable collections throughout their dioceses, the bishops simply act in a ministerial capacity, under the orders of the executive power of the State. Thus dependent upon the Crown, Anglican bishops possess at the same time considerable powers over the inferior clergy ; nor indeed would it have been consonant with the subtle policy of the founders and continuators of Anglican Erastianism, to have foregone the means of exerting that powerful control and influence over the clergy of the second order which it possesses indirectly through its episcopal nominees. But the episcopal power over the preserving the purity of the Christian Faith, of which *we are, under God, the chief defender* ; and also for preserving the peace and quiet of Church and State, do strictly command you, our Archbishops and Bishops, *to whom, under us, the care of religion more especially belongs*, that you do, without delay, signify to the clergy of your several dioceses this our royal command, namely, that no preacher whatsoever, in his sermon or lecture, do presume to deliver any other doctrine," &c.

byters of the Anglican Church cannot be considered as simply emanating from their spiritual authority, inasmuch as it mainly derives its sanction from the infliction of temporal penalties, either summarily, as in the case of curates, or by the ruinous processes of the so-called ecclesiastical courts, while it chiefly deduces its origin from Acts of Parliament, particularly from various Acts of a very recent date.

But, whatever the exact nature or limits of their power as regards the Anglican priesthood, there can be no question that the whole of their spiritual authority, as regards the lay-members of the Church, has to all practical intents and purposes long since been entirely nullified ; insomuch that all notion of the existence and nature of such authority is strange to the general mind, and still more strange, any correct notion of its divine origin, its spiritual sanctions, its scriptural grounds, and religious obligations, its objects and purposes, and the Christian charity and exercise of humility involved in submission to it. Hence it is, that although the same kind of authority essentially, though often of course in different forms, is more or less in active exercise in all other religious communions both of this and of other countries, the revival of it in our own Church would, from its novelty, and from the prejudice and ignorance concerning it naturally engendered by the disuse

of it, be probably met with disfavour, even on the part of many habitual members of her communion,—and the more so, inasmuch as the bishops are very generally regarded rather as nominees of the executive, and officers of the law, than as elected and trusted spiritual rulers of the national Church. Contemplated thus, through the medium of the true theory of an episcopate, the Anglican bishops appear to stand in a false, and anomalous, and unfavourable position, both as regards the Crown, as regards each other, as regards the clergy and the laity of the Church, and the people at large. Wanting in its primitive attributes of spiritual jurisdiction and fatherly authority, mediæval in its temporal accessories, Elizabethan in its spiritual disabilities, the actual episcopal office amongst us bears, as a whole, an impress of a very mixed description, not very clearly discernible, nor, unhappily, much calculated to command the loyal attachment and willing reverence of the popular mind, but rather perhaps to check and repel its sympathies, if not to excite in it some feeling of distrust and aversion. The effective spiritual authority supposed to be inherent in it, may still excite reverence in those who may ignorantly believe in its existence ; but the true state of the case in this respect cannot fail to excite, in those who are acquainted with it, either scorn or regret, according to the temper of

their respective minds. In truth, the bishops of the Church in England, are popularly regarded, rather as lords of parliament, dignitaries occupying a high social position, with considerable incomes, considerable influence among the clergy by means of the patronage vested in their hands, considerable power over the clergy, similar to that possessed by the chiefs over the subordinates in a government department; rather than as the real spiritual rulers of the Church in this country, with actual powers to regulate and administer her affairs, and with indisputable claims to the willing obedience (in rightful matters, and within due limits,) of all the other members of that Church, whether of the clergy or the laity also.

That the loss of the function of effective spiritual government, so essential an element as it is of the Christian Church, is primarily and principally owing to the adverse intervention of the civil power, is perhaps too evident to require further proof. Yet a striking additional illustration of the fact is supplied by the circumstance, that among those, who either on infidel, or sectarian, or other grounds, are most opposed to the existence of rightful spiritual authority, are to be found the most strenuous maintainers and advocates of the predominance, even the absolutism, of the civil executive over the ecclesiastical power; and the more so, inasmuch as in these days the supre-

macy of the Crown is virtually, in great measure, the supremacy of "themselves," acting by public opinion, and by their representatives in the civil legislature. In short, as regards the function of government in the Church of England, it seems manifest, that neither the episcopate or the presbyterate, or the attached and intelligent body of the laity, have their due and regular share allotted to them respectively in the discharge of it.

II. But it is time to turn now to the kindred subject, of the Church's loss of the function of making laws and regulations for the administration of its affairs, and of taking common counsel for the promotion of its interests and all the various important objects of its great mission. Much that has been already advanced under the previous head is directly applicable to this point; for in distinguishing the functions of the Church, it is not always easy to discriminate between that of government and legislation. I need only advert to the need, obviously inherent in any community conversant with important human interests and affairs, of deliberation and legislative action, for making from time to time such regulations and provisions as may be demanded by those new exigencies and altered circumstances, which continually arise from that mutability and that tendency to degenerate, which the present state of things always exhibits. Still less necessary is

it to state, that the Church of England as a community, has at various times required, and that no less at the present than at former times, the power of legislative self-adaptation to the requirements of the age, and the opportunities of her situation. Not less patent is the fact, that for a long interval of years, all legislation in her affairs has been effected by the Parliament of Great Britain, an assembly which neither represents, nor even pretends to represent, her interests or collective opinion, and which is neither fitted nor able to occupy such a province in a manner at all adequate or satisfactory.

But to such an assembly alone in any ecclesiastical matter, however pressingly requiring legislation, can resort at present be had. While, on the other hand, the proper legislative and deliberative body of the Church—which, by the 139th canon of 1603, is pronounced to be the “Church of England by representation,” and which has been recognised in that capacity by numerous statutes even of Tudor and Stuart times—is not permitted by the civil government either to enact or to deliberate. It meets annually, but is annually prorogued immediately after it has met. But even when permitted by the civil power to sit, its deliberations and acts are limited by that power within the narrowest bounds, and guarded by the most jealous precautions. The only subjects upon



which it can make regulations are such as the Crown may please to prescribe to it; and no regulations (or canons) which it may make, even on the prescribed subjects, are of any force (according to the present state of the law) until they have received the ratification of the royal assent. And as if these limits were not drawn sufficiently close, it is further enacted (by the statute 25, Henry VIII., cap. 19), that no canons or institutions made by it shall be of any force, even after they have received the royal sanction, if they are in anywise against the royal prerogative or the common law, or the statute law, or any custom of this realm. In the Appendix (A.) attached to this work, is given the Act, called that of the Submission of the Clergy, which ordains the above limitations to the powers of the Synod or Convocation of the clergy. It should be added that the Crown has the power of cutting short the deliberations of this body at its pleasure by prorogation, and that it is dissolved with Parliament, unless, as in 1640, the sovereign, on the dissolution of Parliament, gives a fresh licence for the continuation of the session of the Convocation. In the year 1717, it was suddenly prorogued by the Crown in the midst of its business,\* because the

\* The business on which it was engaged had been submitted to the Synod by the Government at the commencement of the Session, and was of considerable importance to the welfare of

lower house was about to present to the archbishops and bishops a Representation concerning the positions and doctrines contained in a political pamphlet and a sermon, from the pen of a new-made bishop named Hoadly, who was in high favour with the party then in power. This Representation, after stating what was conceived to be the tendency of the two publications, and quoting passages from them in proof of the statements, contained a request that the upper house would interpose in the matter. But before this document could be presented to the archbishop and bishops, the Government, alarmed for the character of its partisan, suddenly stepped in with a prorogation. From that time to the present, the functions of the Synod have remained in abeyance. Though it is assembled every year, licence for transacting business is annually withheld by the Crown, and the assembly is annually prorogued immediately after it has met. The argument is sometimes used that the Convocation itself is not a proper ecclesiastical synod. If the case be such, it is even stronger than as the writer has stated it; for it is certain that the Church in England has no *other* constituted method of exerting synodical action than is provided in her Convoca-

the Church; but the sudden prorogation prevented any of the matters from being brought to a conclusion.

tions ; and it is clear that the civil power neither recognises nor allows any other. If it should be urged (and it is impossible not to acknowledge the anxious ingenuity and fertility with which arguments have been devised against the revival of the Convocation of the clergy, as if it were some dreadful device—it is made an ecclesiastical bugbear)—if it should be urged that an assembly of the bishops would be the proper body for the enactment of ecclesiastical canons, the answer is, that, by the intervention of the civil power, such an assembly now would have no synodical power whatever ; and that the bishops have not the power to deliberate together formally and effectually on the affairs of the Church, of which they are presumed by their office the chief authorities. No resolutions to which they might come would have the force of canons, nor could they be taken as a warrant for the direction of the clergy or others, or even recognised as possessing any validity whatsoever by the so-called ecclesiastical courts.

It is therefore evident that the deliberative and legislative, or synodical, function of the Church in this country is at present entirely suppressed by the State, and to a great extent superseded by state legislation ; and that therefore, in this respect as well as in that of government in spirituals, Erastianism is the prevailing element in the

Anglican relations of the Church and the temporal constitution.

III. I come now to a third particular, in which the State has, in an equally decisive manner, interfered with a function of the Church, confessedly of divine origin and right, namely, the free exercise of the power of enforcing, by sanctions of a purely spiritual and moral nature, the conformity of all who claim membership in her communion, to the laws of the Gospel, and to her own rightful regulations in *sua materia*, and so of rejecting heretics, schismatics,\* and them that walk disorderly,† and persons of notoriously evil lives, from her communion,‡ with the view of preventing scandals, and bringing the offenders to shame and repentance; and that others, warned by their example, may fear to offend in like manner.

Much that has been said under the first head applies directly to this, as it did also to the second point, for it is difficult to distinguish metaphysically (and all these are metaphysical distinctions, used for convenience of thought and discussion) between government, and legislation which furnishes the rules by which government is administered, and jurisdiction, which is the practical exercise of government and the power of applying it in particular instances. And it is to the

\* Titus iii. v. 10, 11.—Rom. xvi. v. 17, &c.

† 1 Cor. v., &c.

‡ 2 Thess. ch. iii. v. 6.

jurisdiction, or juridical power, of the Church, that the assumption of Tudor supremacy was principally addressed. In this lies the great stress and weight of that supremacy, as was the case before with the papal supremacy, for which the royal has been substituted. The supremacy is by way of eminence a supremacy in *all causes* spiritual and ecclesiastical; that is, in every judicial act and proceeding in the Church. It will not be necessary for the writer to go into any statement of the first principles of ecclesiastical jurisdiction, or of the form and manner in which those principles have been applied in the practice of the Church from its first foundation, or to mark the various traces of it, and the express precepts concerning it, which occur in the New Testament, or to cite the testimonies of ecclesiastical history and the canons of councils or the statements of the most eminent divines respecting it. The judicial functions of the Church, extending to all the members of the Christian community, related to all causes ecclesiastical and spiritual; and these causes comprehended all matters of doctrine, discipline, and morals; and the only way by which the sentences pronounced in the exercise of this function were enforced were, according to the apostolical model, admonition; or, in extreme cases, exclusion from Christian communion and fellowship—the treating the offender

“as a heathen man and a publican,”—a penalty, however, which was removed on his giving satisfactory evidence of his repentance. That the existence of this power of jurisdiction in the Church is necessary to its proper action and condition, is not only evident from the nature of the thing, the argument from Scripture, and the universal constitution and general practice of the Christian Church; but is plainly *taught* in the formularies of the Anglican Church itself, wherein the action of the secular power has destroyed it. It is testified, not merely in the names and shadows of ecclesiastical and spiritual jurisdiction remaining in her theoretical system, but also in the thirty-third of her Thirty-nine Articles of Religion, and in the following passage from one of those homilies which were put forward as authoritative exponents of her doctrines, and are so recognised in her Articles. In the second part of the Homily for Whitsunday the following expressions will be found. “It (the true Church) hath always those notes or marks whereby it is known; pure and sound doctrine, the sacraments ministered according to Christ’s holy institution, and the *right use of ecclesiastical discipline*. This description of the Church is agreeable both to the Scriptures of God, and also to the doctrine of the ancient fathers, so that none may justly find fault therewith. Now, if you will compare this

with the Church of Rome, not as it was in the beginning, but as it is at present, and hath been for the space of nine hundred years and odd, you shall well perceive the true state thereof to be so far wide from the nature of the true Church, that nothing can be more. In neither are they built upon the foundation of the apostles and prophets, retaining the sound and pure doctrine of Christ Jesus; neither do they order the sacraments, or else the *ecclesiastical keys*, in such sort as He did at first institute and ordain them; but have so intermingled their own traditions and inventions, by chopping and changing, by adding and plucking away, that now they may seem to be converted into a new guise. . . Christ ordained the authority of the keys to excommunicate notorious sinners, and to absolve them which are truly penitent; they abuse this power at their own pleasure, as well in cursing the godly with bell, book, and candle, as also in absolving the reprobate, which are known to be unworthy of any Christian society." Such is the testimony of the Homily to the importance of this function in the Church, while the *abuse* and *perversion* of it in the Romish communion is pointed at as one of the convincing proofs that it is no true church. All kinds of jurisdiction are liable to abuse in the hands of fallible men; and spiritual jurisdiction was undoubtedly often grievously abused in

mediæval times by being applied to political and ambitious ends, especially those of the Court of Rome; by the extension of its scope to many matters properly of civil and secular cognizance, such as the validity and execution of wills and testaments, and the guardianship of orphans and widows; and by the introduction of penalties other than those of a purely moral and spiritual nature, addressed solely to the conscience of offenders, but penalties affecting men's property and persons, such as fines and imprisonments, and by invoking the temporal arm to punish with death persons who had been adjudged heretics in direct opposition to "the spirit which Christians are of."\* To which may be added, that the constant practice and power of appealing to Rome from the sentences, even from the cognizance, of diocesan and provincial courts in the different churches of the west, greatly impaired the legitimate authority and jurisdiction of those courts, and produced infinite tediousness, vexation, expense, and injustice, so as to bring hatred and contempt upon ecclesiastical jurisdiction in general.

When the appellate jurisdiction of the Papacy was abolished in various churches and countries of Christian Europe, the judicial functions of the

\* Luke ix. ver. 55.



ecclesiastical power were retained in some foreign countries—the *principle* and *practice* of spiritual jurisdiction by the Church was retained, though the mode of *applying* that principle was varied. The secular business which, by the allowance of the civil power, had been drawn within the scope of ecclesiastical jurisdiction, was also in those countries re-transferred to secular tribunals, and matters immediately and only concerning the spiritual community were alone retained within the province of its jurisdiction. In proof of this, we need only refer to the ecclesiastical polity established at Geneva by Calvin, who himself was a strenuous assertor of the distinctness and independence of ecclesiastical, from civil and secular jurisdiction, and to the other religious communions which were framed according to the model proposed by Calvin as in his view most agreeable to the doctrine of Holy Scripture. Eminent among these communions has been the Kirk of Scotland, which, throughout its whole history, down to our own times, has been noted for its firm adherence, both in theory and practice, and in the conduct of its principal champions and leaders, to the same principle: as were also the Puritans under Elizabeth, James I., and Charles I., and their legitimate successors, the existing Non-conformist communions in England, to the present day. For in truth, the same principle of the dis-

tinctness and independence of ecclesiastical jurisdiction *in sua materia*, has been contended for in different ages, and by different communions and religionists, and under different forms of *application*. We may thus number among the assertors of it those who, under the Roman empire, protested against the interference of emperors in ecclesiastical judicature;\* and, in later times, Archbishops Anselm and Becket; at the time of the Reformation, among those who adhered to the Papacy, Sir Thomas More, Fisher, bishop of Rochester, and the numerous other victims of the tyrant Henry VIII.'s spiritual pretensions; a great number of the Reformers also, including Calvin, Œcolampadius, and Beza; subsequently to that time the English High Churchmen, especially the non-jurors, and in very recent days the Non-intrusionist seceders from the Scottish Kirk. All these, and other different religionists, of different periods, and of tenets so divergent on many other points of Christianity, yet have substantially agreed in witnessing for the identical principle of the separateness and independence of ecclesiastical jurisdiction;† though

\* See Appendix.—Letters of Hosius and Athanasius.

† Mr. Caswall (the author of the History of the American Church), mentions, in a recently published account of a tour in Scotland, that in the intercourse he held with members of the different religious communities in that country, he found that among the members of the Free Kirk, with whom he had opportunities of conversing, the Bishop of Exeter, of all the more conspicuous members of the Anglican Church, was universally

it may be said, in the case of many of them, in a mistaken form, or, as in the instance of Becket, with the addition of extraneous matters, by which the real principle in question was much compromised and obscured.

But to return from this digression—when, at the Reformation, the papal supremacy together with all appeals to the see of Rome were abolished, in contrariety to what took place in other countries where papal jurisdiction was also abolished, the separateness of spiritual jurisdiction, and its independence *in sud materid*, of the civil power, were in this country totally violated, by the pretensions of the king to the relative position formerly held by the pope. The king made himself, like the pope before him, supreme in all causes ecclesiastical and spiritual; the acts of the civil legislature became the law which the ecclesiastical courts should administer, together with so much of the former canon law, and of the canons which might in future be made by Convocation with the king's assent, as might not be repugnant to the royal supremacy, the common law, the statute law, or any custom of the realm. At the same time, the confusion of civil and secular matter with held in the highest estimation, as having been the most strenuous in advocating the independence of the Church; a remarkable testimony to the substantial identity, in this respect, between the principles of consistent Presbyterians and Episcopalians, opposed as they are in theological points.

matters of spiritual cognizance, which had been introduced into the ecclesiastical judicatures of mediæval times, was continued in the ecclesiastical courts, notwithstanding the changes made with respect to their authority and law : as were also the temporal penalties, by which the spiritual courts had, to the great detriment of their proper character, in part enforced their authority during the last 300 years of the middle ages, not excepting the writ sued out from the Court of Chancery, "*de hæretico comburendo*," for burning heretics.\* However, the immediate incidence of the new royal supremacy upon the jurisdiction of the Church in her courts (apart from the new system of law laid down, as we have already seen, to guide their decisions), is seen in the statute 25 Henry VIII., cap. 19, called "the submission of the clergy and restraint of appeals," in which, after prohibiting any further appeals to the pope, the following method of appeal to the Crown is substituted in their place, as appears by reference to the 4th section of the statute.—"And for lack of justice at or in any the courts of the Archbishops of this realm, or in any the King's dominions, it shall be lawful to the parties aggrieved to appeal to the King's Majesty, in the *King's Court of Chancery*; and that upon every

\* This writ was not abolished by Parliament till 29 Charles II.

such appeal, a commission shall be directed under the great seal *to such persons as shall be named by the King's highness, his heirs or successors, like as in case of appeal from the Admiral's court, to hear and definitively determine such appeals, and the causes concerning the same. Which commissioners, so by the King's highness, his heirs or successors, to be named and appointed, shall have full power and authority to hear and definitively determine every such appeal, with all causes and circumstances concerning the same, &c.*" The appellate commissions thus appointed, and composed of any persons whom the King might name, whether ecclesiastical persons or not, continued in practice, under the name of the Court of the Delegates of the King's ecclesiastical supremacy, for three hundred years, till the Acts 2 & 3 William IV., cap. 92, and the 3 & 4 William IV., cap. 41. By these acts the court of delegates was abolished, and the jurisdiction of that court in all ecclesiastical, as well as *naval*, matters, was transferred to the King in Council, or in other words to a Judicial Committee of Privy Council, the members of which were, by the Act, to consist of the President of the Council, the Lord Chancellor, the Master of the Rolls, the Vice Chancellor of England, the Chief Justices of the Court of King's Bench and Common Pleas, the Chief Baron of the Exchequer, the Judge of the

Prerogative Court of the Archbishop of Canterbury, the Judge of the Court of Admiralty, the Chief Judge of the Court of Bankruptcy, and all members of the Privy Council who have previously held the office of President of the Council, or of Lord Chancellor, or any of the aforementioned offices, with any two other members of the Privy Council whom the Sovereign shall from time to time appoint to be members of the said committee." Such is the tribunal of final appeal—the supreme court in all spiritual and ecclesiastical causes and things in the Anglican Church at the present day. It should be said in justice to the framers of these Acts, that it has been publicly owned by one of them,\* in his place in Parliament, that it was through a mere oversight of the framers that the cognizance by appeal of matters of *doctrine* in the Church was given to a court so composed. However, with this court of lawyers and politicians, not one of whom is necessarily even in communion with the Established Church, and but one, by the nature of his profession, is expected to possess any acquaintance with her theology and canonical jurisprudence, with such a court rests at present the ultimate decision of any question whatsoever of Christian doctrine or discipline, that may arise in the Anglican Church. The want of

\* Lord Brougham.

any ecclesiastical authority in such a court to determine questions of this kind must be acknowledged on any theory of the Christian Church. Its unfitness in other respects will be no less clear, upon the least recollection of the kind of cases which at any time may come before it. For instance, a clergyman (and it is not an unprecedented case), is charged with maintaining Arian or Socinian opinions, and the cause comes by appeal before the Judicial Committee of the Privy Council. The counsel for the accused employs all the ancient subtleties to endeavour to show that his client's sentiments are in accordance with the authorized statements of doctrine on this point of the Faith ; the controversy necessarily becomes one of the meaning of terms, not only of the English terms, but of those from which they are translated, and of the sense in which they were used in the creeds, and in the writings of the Fathers ; and all the niceties of Greek criticism, which modern Socinianism has applied to the language of the New Testament for squaring it with its own opinions are probably brought into requisition. And these discussions take place before a tribunal of experienced politicians, and equity or common law judges ! while there is no guarantee taken for the conformity of their opinions to the doctrines of the Church—so that there is no reason why there may not be among the judges themselves indi-

viduale professing the opinions of the accused, and willing that those opinions may be found in harmony with the authorized dogmatic statements. Nay, as no profession of any form of Christianity is required of the members of this court of appeal in spiritual causes, there may even be professed infidels among their number, who will regard the whole question with contempt. Thus, in that matter, which perhaps of all others is most vital and essential to the Christian Church, namely doctrine, the principles of Erastianism are assuredly applied in all their breadth and force—a conclusion illustrated by the fact that when in 1851 it was proposed by the bishops in Parliament to construct a court of appeal more fitted for the determination of doctrinal questions in the Church, the proposal was rejected by the Government on the ground that it would be an infringement upon the integrity of the royal supremacy.

Such then, as above described, is the Court of Appeal over the Anglican Church in all matters connected with her doctrine and discipline; the existence of which, however monstrous it be, must at the same time be acknowledged to be a perfectly consistent and appropriate application of the principles of royal supremacy, as they are laid down in the statutes, and assented to by the clergy.



We have noticed the destruction of the spiritual and ecclesiastical character of the Courts below this supreme tribunal, produced by the action of the civil power. At the same time, they are entirely removed, by the civil power, from the control of the Church itself, which neither through her Synods or her bishops has under existing circumstances any power to alter or re-model them, though a general desire exists among the authorities and members of the Church, that they may be re-modelled and altered, so as that they may be brought into harmony with the due constitution of courts Christian. No power but that of the civil legislature can affect them; and the propositions which are continually made in that assembly for the re-modelling of these courts, however in other respects they may have their merits, are not ordinarily such as would render them fitter than they are at present for the discharge of the judicial functions of the Church in this country. Practically, the ecclesiastical courts, as they are ordinarily termed and regarded, are little else than tribunals for determining the validity of testamentary documents, and matrimonial causes. The theological element, therefore, enters little into the professional studies and pursuits of the judges and advocates in these courts, whose minds necessarily are chiefly directed to the ancient civil law, which from mediæval times has in a fragmentary form

remained part of the complex code administered in these courts, to international law and English statute law. Hence religious questions very seldom are brought before them; and when a rare necessity submits such questions for the determination of these courts, little moral weight or consideration is attached to them by the Church or the country at large. And this is the more the case from the circumstance that these courts, though in name the courts of the archbishops and bishops, are never presided over, even when questions of Christian doctrine, ritual, or discipline come before them, by those members of the hierarchy, or other well-qualified members of the spirituality, but by mere professors of law—men who naturally regard their occupation as a purely secular profession, and not as a calling connected with the ministering of the discipline of Christ in his Church; which discipline these courts, yet, of necessity, ostensibly profess and undertake to administer; and of which discipline, *judicature* is of necessity the life and centre. Such is the secularity, inefficiency, and confusion introduced and perpetuated by the action of the civil power, in the only courts which the Church in this country even nominally possesses for the administration of the discipline of the Gospel. I dwell not upon the tediousness, vexatiousness, cumbrousness, and enormous expen-

siveness of processes in these courts, which have aided with the other causes in bringing just odium and contempt upon them, and unjustly upon the Church also ; which, though having no control over these courts, is popularly held responsible for them, as part of her system. On these points, it is not within the province of the present work to speak, except in so far as these mischiefs and grievances affect the Church, and are virtually perpetuated, as they have been, by the utter dependence of the Church upon the civil power.

I turn rather to the practical operations of these courts, in regard to the parochial ministrations of the clergy, as exhibiting the effects of Anglican Erastianism in their worst form, namely, as affecting injuriously the consciences of the clergy, and thus tending to impair their character and usefulness as ministers of religion, and teachers of Divine truth. From the action of the State in destroying the judicature, and therefore the discipline, of the Church, arises the legal necessity imposed on the clergy of the Established Church not only of interring with the rites of the Church those, who, in the lawful exercise of their Christian liberty and the undoubted right of private judgment in religious matters, have seceded or have continued from the first in separation from her communion and common worship, and have be-

longed to other and rival religious communions, whether Romish or other, and who, in many instances, have been in their life-times the bitterest opponents of her doctrines and episcopal polity; but also of employing the rites of Christian burial, and the words of Christian hope at the interment even of open and professed infidels, and of others, whose lives have ended in a course of notorious impiety and habitual profligacy. This great practical grievance to the clergy, arising from the working of Erastianism, is brought about, partly by the canons of 1603, which the Church is not permitted by the Crown to alter and re-model to suit the circumstances of the times, and partly by the operation of statute law. This will be seen by the following considerations. The 68th of these canons, entitled "Ministers not to refuse to church or bury, runs thus :"—"No minister shall refuse or delay to christen any child, according to the form of the book of common prayer, that is brought to the church to him upon Sundays or holidays, to be christened, or to bury any corpse that is brought to the church or churchyard, convenient warning being given him thereof before, in such manner and form as is prescribed in the said book of common prayer. And if he shall refuse to christen the one, or *bury the other* (except the party deceased were *denounced excommunicated, majori excommunicatione, for some grievous and*

*notorious crime*, and no way able to testify of his repentance), he shall be suspended by the bishop of the diocese from his ministry, for the space of three months." And in the first rubric before the office for the burial of the dead, which, like the other rubrics, has the force of statute law by the Act of Uniformity of Charles II., these words occur, " And here it is to be noted that the office ensuing is not to be used for any that die unbaptized or *excommunicate*." Now the enormous expense which the institution of a suit in the ecclesiastical court for the excommunication of infidels or notorious evil livers, together with the thoroughly un-ecclesiastical and un-canonical character of these courts, and the odium and contempt which generally attaches to their processes and sentences, necessarily preclude a clergyman, or the churchwardens of his parish, who are in canonical theory the guardians of the morals of the people, from attempting to obtain the formal exclusion of such persons from the communion and religious rites of the Church. Hence, even the most open infidels, and the most notorious and profligate evil livers, unrepenting, remain during their lives, in regard to the canons of the Church and the eye of the law, still her members, to the great scandal of Christianity and of the weaker professors of it and of the world in general; to the increase of the impenitence and unbelief of

the persons themselves in question; and to the pity, or the contempt and scorn, of the Church, in the eyes of its adversaries. And should death overtake them in the midst of their open crimes, or their notorious blasphemy, the clergyman is in a manner, though often sorely against his conscientious feelings and principles, compelled, not only by the odium, which in the general abeyance of church discipline would probably attach to the refusal, but by the cogency of law, to employ at the interment of their bodies, the words of Christian hope and confidence, which are contained in the office for the burial of the dead.

The legal compulsion to use the service of the Church in the interment of persons who have dissented from her creed, and separated from her worship, and even in cases where they have denounced, as unchristian, that creed and that worship, may be a less grievance to the reflecting clergy than the one before mentioned; but it is assuredly *felt* as a grievance by those who regard Dissenters as implicated in the heinous sin of schism, or violation of the unity of the Christian body, and who, indeed, are authorized and perhaps bound so to regard them by the ninth of the canons of 1603, as thus: "Whosoever shall hereafter *separate themselves* from the communion of saints, as it is approved by the Apostles' rules, in the Church of England, and combine them-

selves together in a new brotherhood, accounting the Christians who are conformable to the doctrine, government, rites, and ceremonies of the Church of England, to be profane and unmeet for them to join with in Christian profession, let them be excommunicated *ipso facto*, and not restored, but by the archbishop, after their repentance, and public revocation of their wicked errors." The compulsion to employ the rites of the Church in the burial of such persons, in spite of this and the sixty-eighth canon before quoted, arises from the circumstance, that the Act 1 William and Mary, cap. 18, entitled "an Act for exempting their majesties' Protestant subjects, dissenting from the Church of England, from the penalties of certain laws," thus decrees at section 4, "And be it enacted, by the authority aforesaid, that all and every person and persons that shall as aforesaid take the said oaths, [now abolished] and make and subscribe the declaration aforesaid [also abolished] shall *not, &c., nor shall any of the said persons be prosecuted in any ecclesiastical court for or by reason of their non-conforming to the Church of England.*" Now, although the above canon pronounces such separatists as excommunicated *ipso facto*, yet it is obviously necessary that such excommunication, to take effect, must be *declared* in the ecclesiastical court; but this the Toleration Act prevents from being done. Hence, separa-

tists, of whatever kind, and with whatever degree of opposition to the Church, are still, in the "eye of the law," members of that Church, as not having been formally excommunicated, and they, therefore, are entitled to the external privileges of church-membership. The writer must not be misunderstood as arguing against the exemption of non-conformists by this statute from the civil penalties to which, with equal absurdity and injustice, they had previously been rendered liable by acts of parliament, or from the civil penalties attached by the State to ecclesiastical sentences, penalties which are an incumbrance, not a succour, to the Church, and which give an obnoxious character to her censures. He is now only arguing against the unjust operation of the law, conjointly with the canons, upon the conscientious feelings of duty entertained by clergymen of the Established Church, in compelling them to employ the ritual of their Church in the interment of those who are regarded by their Church as schismatics, and especially in the case of those who in the exercise of their undoubted right of private judgment have consistently denounced the doctrines, rites, worship and government of the Church, as contrary to Scripture. And it should be recollected that, at the passing of the Toleration Act of William and Mary, there was some reason for regarding non-con-



formists as members of the Church of England, inasmuch as their ministers were, by that Act, obliged to subscribe the doctrinal articles of the Church of England; and all Unitarians were excepted from the immunities of that Act. But since that time both these provisions have been abolished.\* In fact, in setting the Dissenters free, the civil powers forgot to extend a corresponding freedom to the Church of England. However, this grievance, connected with the promiscuous use of the burial service, is not to be compared in weight to that before mentioned (as produced by the character and processes of the ecclesiastical courts, and the consequent destruction of the discipline of the Church), in the legal compulsion of the clergy to inter, with the sublime words of Christian hope, and the solemn rites of Christian burial, the bodies of those who had died in open infidelity or immorality of life.† This is the principal *gravamen* caused to the clergy by

\* By 19 George III., cap. 44; and 53 George III., cap. 160.

† Two or three years ago a memorial was presented to the archbishops and bishops, signed by between 2,000 and 3,000 of the clergy, representing strongly the violence frequently done to their conscientious feelings, in being compelled to the promiscuous use of the burial service, and praying the interposition of the prelates for the remedy of this grievance. The Archbishop of Canterbury, replying in his own name and that of his brethren, fully admitted the justice of the complaint; but confessed that, as they were advised, they saw no method of removing the grounds of it.

that maimed and perverted condition of the judicature and discipline of the Church, for the existence of which the civil power is wholly answerable ; this tends to wound their consciences, to sap the sincerity and truthfulness of their Christian profession, to blunt the fineness of their moral sense, to mar their conscious integrity, and thus, not only to injure themselves deeply, but to impair the usefulness of their lives and ministrations.

Meanwhile the evil effect of this indiscriminate employment of these solemn forms of ritual and hopeful words of prayer, upon the minds of the weaker and more ignorant—upon those who have not learnt that dangerous sophistry by which the plain meaning of words, and of acts too, is evacuated, and who take expressions, especially such as are offered in prayer to God, in their genuine and literal signification ; the evil effect upon such minds from the employment, by ministers of religion, of those words of Christian hope and prayer, in the case of those of their deceased neighbours whom they know to have been openly and wilfully irreligious and profligate in their lives, cannot fail to be, nay, it certainly is, a great and serious stumbling-block. Thus, partly by statute law, and partly by restraining the Church in synod from adapting her canons, (framed as they were for a widely different state of things, when Church discipline existed), to the

altered circumstances of the present day, the State has, in effect, turned the ecclesiastical courts, which ought to have been the principal means for maintaining the discipline of the Church, into engines for even destroying that discipline, for oppressing the consciences of the clergy, for causing scandal to the weak and less sophisticated Christians, and for bringing discredit upon the Church and her ministrations, and so upon Christianity itself. Nor is it a small grievance to the clergy, arising from the vexatious and costly procedures of the ecclesiastical courts, which State action precludes the Church from ameliorating, that any member of their body is deterred from his duty, should the occasion arise, of repelling from the communion, even with the concurrence of other communicants, a person presenting himself who is known as an habitual blasphemer or a profligate. Such an one so repelled might, if wealthy enough, himself set in motion the ecclesiastical courts, or, if he preferred it, the civil courts, against the clergyman who, in obedience both to Scripture and the laws of the Church, had thus excluded him from the most sacred rite of Christian religion, and subject him to lengthened vexation and heavy pecuniary loss. Or should a Socinian separatist present himself at the same ordinance, the officiating clergyman would, as it is held, through the operation of the Toleration Act on the ecclesiasti-

cal courts, render himself liable to a legal process and penalty in the ecclesiastical courts, should he perform his clear and Scriptural duty in refusing to communicate with him ! Perhaps the writer will not be hasty in drawing his conclusion, that the State has practically destroyed, to almost all intents and purposes, the judicature of the Church, and by necessary consequence has precluded her from exercising, in any adequate manner, that spiritual discipline which is an essential part of her system, as plainly established by her Divine Founder and Head, and which in the Scriptures He not merely warrants, but positively enjoins both in person and by the teaching of His apostles.

IV. The Erastianism which, as we have seen, prevails over the government, the legislation, and the jurisdiction of the Anglican Church, is equally decided in the appointment of those important office-bearers, to whom, according to the theory and the notion of the office, the exercise of these three functions of the Church principally, though not exclusively, appertains—the Bishops of the Church ; those who by their office are called to be special pillars and supports of the truth, both by their own examples and teaching, and by “over-seeing” the ministrations and lives of those committed to their charge. That the appointment of these ecclesiastical chiefs belongs of right to the ecclesiastical estate, is a truth manifest as any can

be from the New Testament Scriptures, from the history and practice of the Church in apostolical, primitive, and succeeding ages, and from the very nature and equity of the thing, as arising from the notion and idea of the Church as the fellowship and commonwealth of the faithful, the *civitas Dei* upon earth. As to the historical point, it is abundantly clear, that for the first six centuries, and until the rise of papal usurpation and regal domination, the appointment of bishops universally, or with few exceptions, took place by the free election of the clergy and laity of the diocese, and the subsequent confirmation and consecration of the persons elected, by the bishops of adjoining dioceses.\* Even after popes and kings had, in mediæval times, succeeded in many parts of the Church in crushing respectively, by gradual encroachments, this original freedom of the clergy and people in the particular dioceses in the election of their bishops, and had arrogated to themselves respectively a greater or less amount of power in the nomination of these spiritual rulers, the forms at least of election remained, while in many dioceses the form was not without its essence and significance. And even where kings had virtually assumed the powers of effectually nominating bishops, this nomination was invariably covered under the decent claim to a voice and share in

\* On this point see Bingham's *Antiquities of the Christian Church*, book iv. chap. ii.

appointing them, either by recommending to the free choice of the ecclesiastical electors, or by exercising a veto on their election, or, which much prevailed, by giving at discretion to the person elected "livery of the temporalities," as a feudal baron. True, the latter feudal claim soon *was* pushed by several feudal sovereigns to the practice of investing the person, whom they desired to be placed in a vacant see, with the temporalities *before* he was elected; but this was so manifest an encroachment, as to have caused the well-known contest between the ecclesiastical and civil power in England and Germany on the question of Investitures, which terminated in the relinquishment of the sovereign's claim of anticipating in this way the election of the Church.

The right of the Church of England in the election of her bishops was in early times fully recognised in various royal charters and statutes; in the former either by a general promise to observe the liberty and immunities of the Church, as in the charters of Henry I. and Stephen, or by express terms as in a special charter of John, and subsequently in Magna Charta;\* in statutes, as in the confirmation of the charters by Henry III. and Edward I., and a statute of Edward III. However, the power which the kings possessed

\* King John's first charter entirely relating to this matter, and the words from Magna Charta relating to the same point, are given in Appendix B.

of giving or withholding the temporalities of vacant sees, was naturally of great avail in restraining the freedom of episcopal elections, and the electors were thereby often induced to choose the person whom the king wished to occupy the see. But the king, nevertheless, had in the pope a formidable rival in dictating to the ecclesiastical electors the object of their choice, especially in the 13th and 14th centuries,—in fact, during the 13th century, the pope virtually and practically appointed every successive archbishop of Canterbury. For in the steady prosecution of their designs of unlimited sway over the Church in all the European nations, and in their astute policy of making every point which they gained a stepping-stone to gaining a still more important point, the subtle and daring Italian pontiffs gradually converted the decision of appeals made to them on the subject of disputed elections into a power not only of setting aside an episcopal election which had been made, on the ground either of its invalidity, or of the canonical disqualification of the person or persons elected, but also of appointing summarily their own nominee to fill the vacant see concerning which the dispute had arisen. Hence, in many cases the electors anticipated the pope's choice by electing the known object of it to a vacant see. Thus there were three parties concerned in the appointment of bishops in later mediæval times in England;

the ecclesiastical electors, the pope, and the king ; and the practical result of their joint intervention generally was that the ecclesiastical electors were but instruments in the hands either of the pope or of the king, according as either were the more to be dreaded at the time, in raising to the vacant episcopal throne the object of the favour of either of those potentates. With regard to the further voice possessed by the Church in this country in the appointment of bishops, that namely which is implied in the power of refusing on the part of the metropolitan and bishops of the province to *consecrate* the bishop elect—though there was then no legal device for coercing them in the exercise of this power, it does not appear that, with the exception of the duration of the Investiture-struggle in the reign of Henry I., any refusal in this quarter ever took place, when, either through the formal election of the cathedral clergy or the absolute nomination of the pope, a person was presented to them for consecration. However, such as above described, appears to have been the state of things in the English Church with regard to the election of bishops, and such the efforts of two rival and encroaching powers in restraining the freedom and efficiency of those elections. Without pretending to enter into a history of episcopal elections in other countries, it may be illustrative of the present point to notice, that in France the



freedom of episcopal elections which the pope had suppressed, had been restored in 1438 by the edict, or as it was termed, the pragmatic sanction of Charles VII. (and it appears of Louis IX. also), which received the full ratification of the states in parliament in that kingdom ; and that in 1461 the impudent and perfidious pontiff, Pius II. prevailed upon Louis XI., to whom on the occasion he gave the title of "Most Christian," to abrogate that great charter of what were termed the liberties of the Gallican Church. But neither that monarch nor his successors could, with all their power, prevail upon the Parliament of France to give to this abrogation the force of law, by registering it according to the custom of the kingdom ; until in the year 1515, Pope Leo X. and Francis I. made a concordat, by which the pragmatic sanction and the rights of episcopal election were abolished, and the king, in return for certain concessions of power to the pope over the Church in his dominions, received from the pontiff permission to nominate absolutely all the bishops in his kingdom.

The ordinance establishing this notable convention,—by which the pope and the French king assumed to divide between themselves the rights and liberties of the Church in France,—required all the power of a despotic king to force it upon the French nation in spite of the united reclamations of the

clergy of France, the university of Paris, the Parliament, and the people.\* This is but one of the very numerous instances which occur in the history of the Church, of the fact that the papacy, for ends of its own, was the chief aid and support of regal aggressions upon the Church, even as in its turn imperial and regal supremacy was the chief abettor of papal usurpation. Often did pope and king each find his own account in sacrificing and dividing between themselves the rights and liberties of the oppressed Church. I would put it to the judgment of all attentive readers of ecclesiastical history, whether the general conduct of the papacy, in this, as in other respects—during the thousand years of its supremacy—did not ultimately furnish the occasion and the foundation of post-Reformation Erastianism, or, as the Germans well term it, the Cæsaropapacy. Surely in the unhallowed compacts and concordats, by which popes, exercising an usurped power over the Church, betrayed her spiritual liberties and prerogatives to the ambition of kings in consideration of their aids to papal domination, we may see one striking instance of the spiritual fornication which the Babylon of the Apocalypse was to commit with the kings of the earth,—the infidelities of which the apostate Church of Rome would be guilty in regard to the trust committed to her by her Divine

\* Mosheim's *History of the Church*, pp. 429–30.

Lord and Head. Nor is this consideration weakened by the fact that, in the times of the Reformation, when the papacy had become abhorred by the people, kings, as in England and Germany, were forward in breaking off her yoke, and the civil powers, which had been partners in her guilt, were made the instruments of her punishment and partial overthrow ; although, in so doing, they themselves appropriated the powers she had lost, and became usurpers in her stead. However this may be, it is certain that from an early period after the conversion of Constantine, popes and kings especially addressed themselves (for their respective aggrandisement), to the infringement of the great centre of ecclesiastical unity and authority, the Episcopate ; as well as to the spoliation of the elective rights of the inferior clergy and lay body of the Church.

It is well observed by Leslie, that in times of popery, the regale began to obtain in England. "The popes found that they could not maintain their usurpations over all the other bishops in the world, who would be too many for them, without the assistance of the kings of the earth ; with whom they therefore were content to divide the prey, and bribe them with the nomination of some bishops, and the disposal of the revenues of some churches during the vacancies, and with some peculiarars exempt from the jurisdiction of the bishops,

that the kings might maintain the usurpations of the popes over the rest; both enlarging their powers upon the ruins of Episcopacy." Nor could anything have contributed more to break down the spiritual authority and moral weight of the Episcopacy with the clergy and people at large, than the deprivation of the power to which they were justly entitled in the election of their bishops, and the nomination of them by kings as well as by popes, which was substituted for such election. The limits of this work prevent the writer from entering into a full history of episcopal elections and appointments in the Christian Church at large, in reference to the relative attitude of the civil power in different countries: but he believes that a careful review of ecclesiastical history in this particular will confirm the assertion that the best and wisest Christian sovereigns, both in the Roman empire and in modern European nations, have respected the freedom of episcopal elections, while tyrannical and irreligious princes, like Louis XI. of France and Henry VIII. of England, have been foremost in the violation or oppression of them. Indeed, many instances are recorded in history of princes, who have voluntarily, and from conscientious motives, *renounced* the power of interfering in the appointment of bishops, which had been arrogated by their more ambitious predecessors. Thus did

the Greek emperor, John Comnenus, about the year 1130; and a succeeding emperor of the same illustrious family, Manuel Comnenus, made a law in the year 1150, against the practice of imperial interference in episcopal elections, wherein he terms it a wicked "custom." In the fourteenth century, John Cantacuzenus, another occupant of the throne of the Eastern empire, a man distinguished for his literary works, made the following remarkable address to the bishops, who were assembled together for the election of a patriarch,— "They ought," said he, "to follow the steps of the apostles and fathers, who being met together, invoked the Holy Ghost, and implored the grace of God to direct them in the choice of one that should govern the Church according to his will. But he (the emperor), acknowledged that in these elections great errors had been committed, which men were apt to excuse, as they did all their other sins that were dear to them. For it was certainly a mocking God first to resolve who shall be patriarch, and then to meet and hypocritically to pray for the Divine direction or assistance. This he confessed had been done by himself, and he did not doubt but his predecessors had been guilty of it likewise. Wherefore he ingenuously confessed his sin, and declared he would be guilty of it no more." It may be remarked, by the way, in reference to this honest declaration,

that it had been well for the Greek Church and empire had the resolution he expresses been the rule of his predecessors and successors ; for it is to the mode in which they exercised their usurpations over the election of bishops that the historian Nicephorus ascribes the degeneracy and corruption of the Church in their dominions. They appear, by the historian's account, to have been in the habit of placing upon the episcopal thrones mere servile instruments of their own will, illiterate monks, and even courtiers and soldiers ; and the general ignorance and depravity of manners which naturally flowed from such a source into the whole community of the Church, by debasing the character of the people and so weakening the energies of the empire necessarily facilitated the victorious irruption both of the arms and the religion of the Saracens and Turks. To return, however, to the present point—many other kings and princes threw up the regale (to use the words of Burnet,) purely out of conscience. Thus when Pope Lucius II., to court the favour of Louis VII., about the year 1148, sent him a bull with a privilege that in all his cathedrals he should dispose of the first vacancy that might occur and enjoy the mean profits, the king burnt the bull with indignation, and said “ he had rather burn a thousand such grants than have his soul tormented in hell fire.” Another similar instance may be

mentioned in the case of Alphonso, one of the powerful and illustrious Counts of Toulouse, who condemned and renounced the practice which some of his predecessors had followed, of presenting to bishoprics within their dominions. Upon these acts, Charles Leslie, "that reasoner not to be reasoned against,"\* in his work entitled "The case of the Regale and Pontificale," observes with obvious justness, "one precedent of a king, who recedes from what the law or custom has made his right, is of more weight than many precedents of those, who, out of interest or politics, do grasp at all, stretch the regale to the utmost, and extend their conquests over the Church."

To return, however, to the case of England in this respect. We have seen that, as in primitive and later times, election of bishops by diocesan bodies was, in theory, and, to a great extent, in practice also, the method of their appointment, subject to the virtual acceptance and to the consecration of the persons elected, by other bishops; and we may observe, that the employment by popes and kings of motives of fear, favour and interest, to influence or coerce their choice, was in itself a witness to the existence of that right, and in itself condemnatory of their conduct in the matter. For either these bodies had the right freely to elect their bishops, or they had not such

\* The observation is one of Dr. Johnson's.

right; if they had such right, it was clearly an usurpation to infringe it; if they had not that right, it was mere hypocrisy to ascribe it to them, as was done. However, this method, pursued by Roman pontiffs and English kings, of overruling the elections of bishops by clergy of the diocese, greatly weakened the *bona fide* character of those elections in the general estimation. Hence, when in this country the breach took place between the pope and Henry VIII. on the subject of the marriage of Anne Bullen, and when that king, partly to revenge himself upon the pope for the restraints which his power had so long imposed upon his inclinations, and for the excommunication which the pope had pronounced upon him for taking the law into his own hands, and partly, without doubt, from the exciting pleasure of extending his absolutism into an important province, which had hitherto been debarred from his grasp, namely, that of ecclesiastical dominion,—when that king, from motives like these, arrogated to himself a plenary and more than papal power in everything connected with the Church and religion of England, he found it was a very easy exploit for him, after that the elections of bishops had been so scandalously abused and perverted by former kings and by popes also, to pass a law for openly coercing the cathedral clergy into the election of his own nominees, and for making the



archbishop's confirmation of such "elect" nominees an equal mockery. The former usurpations and arbitrary invasions of the ecclesiastical rights of electing and confirming bishops, suggested and prepared the way for a statute, by which the exercise of these rights should be regularly and legally coerced in a Church, which, chiefly by the operation of papal domination in its affairs, had become an object either of indifference or aversion to the great body of the people. Thus was passed the notorious Act, 25th Henry VIII., cap. 20, by which the making of Anglican bishops is to the present day managed. By this Act it is ordained, that on a vacancy occurring, the Crown shall give the clergy of the cathedral church a *congé d'élire*, or permission to elect a bishop, naming, at the same time, the person whom and whom alone they shall elect, under penalty of *præmunire*, that is, of the loss of everything they possess in the world, the being put out of the protection of the law, and being imprisoned for life. And lest this interference with the free voice and action of the Church in appointing her chief office-bearers, should happen to fail of effect, the Act further ordains that if, in spite of the penalties denounced, the clergy of the cathedral should not, in twelve days, elect the person named to them, the Crown may summarily nominate a bishop by letters patent; and that, if the archbishop of the province

and two other bishops named for the purpose by the Crown, or if any four other bishops, named instead by the Crown, refuse to confirm the election as aforesaid, or to *consecrate* the person so elected, or, in default of such election, nominated by letters patent, they too shall be liable to the penalties of *præmunire*. This barbarous emanation of a tyranny, both civil and religious, such as this nation has never experienced either before or since, stands alone unrepealed among all the other penal monstrosities, which disgraced the legislation of the sixteenth and seventeenth centuries in England. But it only seems to affect the clergy; and the Church has never since enjoyed (excepting a few short gleams of popularity, as at the moment of the Restoration, at the trial of the seven bishops in James II.'s reign, and during some years of the popular reign of Queen Anne) the hearty goodwill, affection, and respect of the people of this country, and that, in great measure, as being identified in their minds with the civil government. Hence this "magna charta of tyranny," as not immediately affecting the civil franchises or material interests of the community, has continued in force to the present day, although in every other matter the principles of at least just and rational freedom have been fully established, and are most scrupulously respected and most jealously guarded.

It is true, that the infliction of *any* temporal penalties, much more of such penalties as this characteristic enactment of the English tyrant denounces, would be too absurd for practice in the present day, even if any government should be disposed to put them into effect against a body of cathedral clergy, who might refuse to elect in the accustomed solemn manner and form the nominee of that government.\* But custom, "a more powerful magistrate of the life of man" than any statute, has rendered the acceptance of the Crown's nominees by the electing bodies, with some slight exception, a mere matter of course. And even should one of these bodies, from a sense of their religious duty, refuse to go through the solemn mockery of electing, when there is only one object presented to their choice, and that perhaps an unworthy object; yet, even so, they would of course be deprived of their proper and rightful function of *choosing* a spiritual ruler for the diocese, and therefore the rights and liberties of the Church would still suffer infringement. The confirmation of bishops-elect—that remnant of the primitive practice, by which the metropolitan and other bishops of the province deter-

\* So monstrous and absurd is the penalty specified for enforcing the election of a government nominee to a bishopric felt to be, that in the proposed modification of the *criminal code*, which has been frequently brought before Parliament, *imprisonment for three years* has been substituted for it.

mined upon the regularity of the election made by the clergy and laity of the vacant see, and upon the canonical fitness of the elect—has been reduced by the same statute to a mere registration of the absolute nomination of the Crown. It was merely intended by the statute to give a colour of ecclesiastical approbation to such nomination, according to that refinement of tyranny so uniformly practised, when possible, by the crafty and imperious Tudors, of making those whose rights they invaded apparently consenting parties to their wrongs, and thus at the same time both victims and instruments of the oppression. All that the archbishop of the province, or the commissioners whom he appoints for the purpose,—for naturally he avoids the degradation *himself*,—have to do in the “confirmation” of “bishops elect,” is to receive the report of the cathedral body that they have “elected” the person named, a declaration that the party himself assents to his “election,” and the royal letters approving that “election.” Still the confirmation solemnly proceeds, in the face of the Church, with all the ancient forms, in which is supposed the most perfect discretion in all who officially take part or are interested in the proceeding, and with three distinct and formal citations to all who have objections to make to the “election” or to the person “elected,” to come forward and be

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heard ; while at the same time no objection, however capable of proof, against either the regularity of the "election," or the faith, or morals, or qualifications of the "elect," or the manner in which his presentation had been procured from the Government, is allowed by the statute to be entertained by the archbishop or his commissioners. Till within a few years, when the memorable case of a "bishop elect" of Hereford took place, a vague supposition existed that the form of confirmation supplied some means, if necessary, of raising valid and canonical objections to an election or to the person elected. But, on that occasion, when "opposers" were, as usual, called upon to state their objections to the consecration of the "elect" with the promise that they should be heard, they were told by the archbishop of Canterbury's deputies, that they could not appear and be heard, as by the 25 Henry VIII. cap. 20, they (the archbishop's commissioners) had no power to allow any objections, but that on the contrary, if they allowed any, they would incur the penalties of a *præmunire* ; and so the confirmation of the "bishop-elect" went on and was completed, and the consecration of him followed according to the same statute. It is therefore clear, that through the threats of a penal act, and the force of custom founded on that act, Eras-

tianism is dominant in the Church of England, in the whole matter of making bishops.

We have already seen that such is no less the case in (1) the government, (2) the legislation and suppression of synodical powers, (3) the destruction of the jurisdiction and judicature of the Church. What other proofs can be required that Erastianism extends to the most vital and essential points of a Church-system, so that the relation of Church and State in England, is none other than that of the subjugation of the former, and the general predominance of the latter?

So completely is this the case,—and if the reader will for himself investigate the subject further than the brief limits of this treatise have allowed, he will meet with ample additional illustration of it,—that it cannot but be a wonder to all who have followed it out into its various details, how any honest and intelligent mind can have been found to deny it. Especially, when not only Romanists, Non-conformists, and infidels also in this country have united in testifying to it—for *their* testimony may be plausibly ascribed in some degree to rivalry and jealousy towards the Church of England, as possessing the temporal advantages which it has—but also intelligent religionists belonging to communions not unfriendly to it, nor brought into contact with it, such as

Scottish Presbyterians, American Episcopalians, and members of reformed Churches on the continent.\*

That some grounds exist,—whether valid or not shall be considered,—for denying a fact, which on examination appears so manifest, will of course be admitted. Indeed it may be safely asserted, that so anomalous and iniquitous a state of things, in matters vitally affecting public religion, would hardly have existed for three hundred years in England, in spite of the popular ignorance and indifference and notwithstanding all the terrors and craft of the civil powers, without there had been blended with it some recognitions, in theory at least, however self-contradictory, of the rightful position of the Church. These would supply the civil and ecclesiastical power with some grounds of defence respectively, some answer to those who might charge either of them with Erastian malversation, and furnish some blind to the eyes of those numerous members of the Church, who, whether from predilection or interest, *wish* to see the facts in a more favourable light. It would have ill suited the founders of Anglican Erastianism to have exhibited to the world the naked deformity of their own system, but rather to cover it by allowing some sound abstract principles

\* Dr. D'Aubigné, the Swiss Professor's, observations on this point are to be found at a subsequent page.

to be asserted in the formularies of the Church, and a few forms of ecclesiastical procedure and institution to be retained in practice. And they must not only have been contented, but even have felt their power strengthened, when divines were making the most of these concessions, and balancing them against the manifest facts of the situation. History has shown that the reality of usurped and arbitrary power may best be exercised conjointly with many of the pretensions of liberty and the forms of justice and right. Even the *civil* tyranny of the Tudors was principally carried on with a constant observance of the forms of the ancient free constitution; and it is well known to the historical student that the despotism of imperial Rome was entirely established under the semblance of a republican magistracy. Politic rulers, in aiming at a power which is not theirs by right, will care little about recognising abstract principles, however adverse to their designs, so long as they can secure to themselves such power in reality and deed. And the founders of Anglican Erastianism evidently well knew that policy, as well as unsparing cruelty, was requisite to consolidate their usurpation,—a policy which would forbid them to push their pretensions beyond the limits of endurance, so as to excite any unnecessary amount of reluctance, disgust, and indignation; nay, they even kept up so much fairness of appear-



ance in their proceedings, and so far recognised the claims of the Church in the *abstract*, as was consistent with their ambitious views of ecclesiastical dominion. The prudent purposes of an usurping power will be best served when the injured party is able to find some means of consolation in disguising and explaining away the facts of its real position. The Norman conquerors of England would, doubtless, have been well contented, had their Saxon bondsmen been able to persuade themselves that the Conqueror himself was the rightful claimant to the throne, or that by the coronation oaths and charters of himself and his successors, they had been left in the actual possession of their ancient laws and liberties. And we may well suppose that the Roman oppressors of Judea must have applauded the subtle distinction between liberty of thought and mind and liberty of action and person, by which the subjugated people were able to persuade themselves that they "never were in bondage to any man."\* Altogether, in the plenitude of real supremacy which they succeeded in obtaining for the civil over the ecclesiastical power, combined with the nominal qualifications of that supremacy which they conceded, the founders of Anglican Erastianism—Henry VIII. and his daughter Elizabeth,

\* John viii. v. 33. See Whitby on the passage.

and the Cromwells and Somersets, and Sadlers and Burleighs, who advised and served them—have left no mean specimen of successful and dissembling state-craft. And the policy which they thus firmly established, has been steadily maintained, though with due regard to the various changes of time and circumstances, by those who from time to time have succeeded them. Hence it is that in the nature and history of the existing connexion between Church and State, are to be found some particulars which might appear in some degree to conceal its features or to vindicate its rightfulness, and to furnish a standing ground for those who have denied that that connexion differs, either in kind or in degree, from the view here taken of it. It therefore becomes the duty of the present writer to examine these contrary assertions and precedents, in order to see how far they affect the present argument.

I. One of the assertions most commonly appealed to as affirming the true powers and independence of the Church in this country, is that contained in the first words of the 20th of the Thirty-nine Articles: "The Church hath power to decree rites and ceremonies, and authority in controversies of faith." This declaration is thus made, as we know, in formularies promulgated under the joint authority both of the Church and

the Crown ; and, if the supposition which Mr. Hallam\* adopts be true, that these words were not actually part of the articles as they were subscribed by the Convocation whose sanction they bear, but interpolated *after* the session of that Convocation by the sole authority of Queen Elizabeth herself, as the evidence seems to show, the existence of these words is a still more remarkable recognition by the State (in theory) of the rightful prerogatives of the Church. This authoritative declaration of the 20th article is, as is well known, much insisted on as asserting the due authority of the Church, considered apart from, and independently of, the civil power. But they who appeal to these words seem to forget that the principle expressed in them is contravened by the opposite principles laid down in those numerous statutes which declare, that all manner of spiritual and ecclesiastical jurisdiction, and a plenary authority in all ecclesiastical matters, is vested in the Crown ; that all such jurisdiction is exercised by bishops and others under and by the authority of the Crown : and further, that in the canons, and those formularies to which the clergy give their assent, are contained similar principles to those enunciated in this class of statutes. Thus, as we have before seen in the thirty-seventh Article, entitled, "Of the civil magistrate," it is

\* Constitutional History, vol. i. p. 193 (note), 6th edition.

declared that "to him the chief government of all estates of the realm, whether they be ecclesiastical or civil, in *all* causes doth appertain;" and again, in the first of the three articles of the thirty-sixth Canon, to which also the clergy subscribe and assent, it is stated, "that the king's majesty, under God, is the only supreme governor of this realm, and of all other his highness' dominions and countries, as well in *all spiritual and ecclesiastical things*, or causes, as temporal." By what ingenious refinements and subtle distinctions the language of the statutes in question, of various of the canons, and of the formularies last quoted, can be made consistent with that acknowledgment of an original and independent spiritual authority in the Church, which is contained in the first words of the 20th Article, I shall not now enquire; rather I will leave it to the judgment of any honest and candid mind that may peruse these pages. I shall now content myself with the assertion, that if a large portion of the authority peculiarly appertaining to the Church is recognised in *theory*, by the words of the 20th article, such recognition is abundantly negatived, even in theory, by the language of the statutes, the canons, and articles subscribed by the clergy. I proceed to remark what is even more perhaps to the point, that the theoretical recognition in question is fully contradicted in *practice*, in the working of

the Anglican system. "The Church," says the 20th article, "has authority to decree rites and ceremonies;" but, as matters really stand, the Church has no power to decree anything. Its synodical powers, the instruments by which it should *decree*, are placed in abeyance, and suppressed by the State. And any new or occasional rites and ceremonies that are used, are decreed by the Queen in Council, or, as it sometimes happens, by the Privy Council itself. "The Church," says the same article, "hath authority in controversies of Faith." But, as matters stand, it cannot exercise that authority—it practically has it not. It cannot exercise it synodically or legislatively, for the State has suppressed its synodical and legislative powers. It cannot exercise it judicially, for the civil power has virtually quashed its judicial functions and power of judicature. The dictum, therefore, of the 20th article, that the "Church hath authority, &c.," in its application to proving the actual existence of an independent and original authority of the kind in the Church of England, is as much contradicted in fact and practice, as it is by the theoretical assertion of counter-principles.

Much stress has also been laid upon another theoretical acknowledgment of the authority of the Church in this country in the determination of doctrine; that, namely, which is contained in

the oft-quoted and inflated preamble of the Statute 24 Henry VIII., cap. 12, wherein we find it stated that the "body politic of the nation is divided in terms, and by names of spirituality and temporality—the body spiritual whereof having power when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared interpreted and showed by that part of the said body politic called the spirituality, now being called the English Church, which always hath been reported, and also found, of that sort, that both for knowledge, integrity, and sufficiency of number, it hath always been thought, and is also, at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties as to their rooms spiritual doth appertain." This preamble is justly taken as a parliamentary recognition of the function of the Church in determining questions of religious doctrine: and had this Act stood alone as bearing on the subject, it would, so far, have been satisfactory in point of the legal theory on that subject. This statute was, however, passed before Henry VIII. had arrogated, by parliamentary enactment, the title of supreme head of the Church of England, together with that plenary power and jurisdiction in all matters spiritual and ecclesiastical,

which he afterwards took to himself. And the purport of this preamble was entirely nullified and contradicted—in theory, by subsequent enactments both of that and succeeding reigns, as we have seen by the specimens already quoted in this work—and in practice, by the institutions and procedures which those after statutes established and put in use, more particularly by the prohibition to the Church to meet in synod and make canons or constitutions on doctrine and other questions, except with the previous licence and subsequent ratification of the Crown ; and by the provision of the same Act, the 25 Henry VIII., cap. 19, which enjoins that all appeals, on doctrine or otherwise, from the Archbishop's Court, shall be made to the Crown in Chancery, and be determined by “a commission, directed under the great seal to such persons (ecclesiastic or others), as shall be named by the King's highness, his heirs, and successors, like as in the case of appeal from the Admiral's Court,”—a kind of commission which, under the name of the Court of Delegates, continued, as we have seen, in practice till 1833, when the Judicial Committee of the Privy Council was substituted in its room. And, as a matter of *fact* (whatever may be asserted in the preamble of the 24 Henry VIII., cap. 2, above quoted), what actual authority *has* “the spirituality,” “the English Church,” to “declare,

interpret, and show any cause of the law divine or of spiritual learning ;” or “to declare and determine all such doubts, and to administer all such offices and duties as to their rooms spiritual doth appertain”? In truth, this notable preamble is, for all present practical purposes and interests, a mere dead letter. It cannot be quoted as invalidating the facts of the real case, or as vindicating the existing relations of Church and State, whether in theory or in practice, from the charge of manifest Erastianism in the very matter to which this preamble refers : and the only purpose which it serves by being retained in the statute book, is to witness for a true principle in favour of the Church and against the civil power, while, at the same time, it has helped to obscure and perplex the whole subject of Anglican ecclesiastical polity. Certainly no effect arises from a statutory declaration, which has been nullified by succeeding enactments and by regular and established practice.

Some additional abstract recognitions of true and right principles of ecclesiastical polity are found in other and subsequent statutes of the realm—as in the 25 Henry VIII., cap. 19, where the king’s assumption of the exclusive power of assembling the clergy is grounded on their acknowledgment of his right in this behalf ; while the provision of the same Act, that the king



may appoint commissioners to review and remodel the canons of the Church, is grounded on the allegation of a *petition* of the Convocation that the king would be pleased to do so ; and in the preamble of 26 Henry VIII., cap. 1, the king's assumption of the title and powers of "supreme head of the Church of England," is expressly grounded, in part, on the circumstance that he was "so recognised by the clergy of the realm in their convocations." Again, in the Act 25 Henry VIII., cap. 21, the synodical recognition by the clergy, *as representing the Church*, is loudly vaunted as the great proof of the righteousness of that king's ecclesiastical assumptions. "It may, therefore, please your most noble majesty, for the honour of Almighty God, and for the tender love, zeal, and affection that ye bear, and always have borne, to the wealth of this your realm and subjects of the same, forasmuch as your majesty is supreme head of the Church of England, *as the prelates and clergy of your realm, representing the said Church in their synods and convocations, have recognised*, in whom consisteth full power and authority," &c. And thus also, in the Act 8 Elizabeth, cap. 1, passed to declare the legality of that queen's episcopal appointments, and grounding that legality on her supremacy, the synodical recognition of that supremacy is urged as proving her title to it ; as thus :—"First, it is

very well known to all degrees of this realm, that the late king of most famous memory, King Henry VIII., as well as by all the *clergy then of this realm in their several convocations*, as also by all the lords spiritual and temporal, and commons assembled in divers of his parliaments, was justly and rightfully *recognised and acknowledged* to have the supreme power, jurisdiction, order, rule, and authority, *over all the estate ecclesiastical of the same, &c.*" Nor under the same head of statutable recognitions (in theory) of the rightful functions of the Church in England, should we overlook the provision of that most important Act of 1 Elizabeth, cap. 1, which defines the rule by which the queen's ecclesiastical commission, to be erected under that act, and which was commonly called the High Commission Court, should judge of heresy, the which provision is contained in the thirty-sixth section of that act, as follows : — " Provided always, and be it enacted by the authority aforesaid, that such person or persons to whom your highness, your heirs, or successors, shall hereafter, by letters patent under the great seal of England, give authority to have or execute any jurisdiction, power, or authority spiritual, or to visit, reform, order, or correct any errors, heresies, schisms, abuses, or enormities by virtue of this act, shall not in anywise have authority or power to order, determine, or adjudge any matter

or cause to be *heresy*, but only such as heretofore have been determined, ordered, or adjudged to be heresy by the authority of the canonical Scriptures, or by the first four general councils, or any of them, or by any other general council wherein the same was declared heresy by the express and plain words of the said canonical Scriptures, or such as hereafter shall be ordered, judged, or *determined to be heresy by the high court of Parliament of this realm, with the assent of the clergy in their Convocation.*"

Thus much for the express statutory admissions of right principles of ecclesiastical polity and freedom—recognitions which would be insisted upon by such persons as deny the prevalence of Erastianism in our system. It would be needless to quote assertions to the same effect from the canons of 1603, which had the royal assent and the force of law, and possess the authority both of the civil and the ecclesiastical power. Similar theoretical acknowledgments of the due authority of the Church in this country are contained in the declaration prefixed by Charles I. to the xxxix. Articles, in which that unhappy monarch, after claiming to be "by God's ordinance supreme governor of the Church of England," provides that "if any difference arise about the external policy concerning the injunctions, canons, and other constitutions whatsoever thereto belonging, the clergy, in their

Convocation, is to order and settle them, having first obtained leave under our broad seal so to do, and we approving of their said ordinances and constitutions." And again, "that out of our princely care that the Churchmen may *do the work which is proper to them*, the bishops and clergy, from time to time, in Convocation, upon their humble desire, shall have licence under our broad seal to deliberate of and to do all such things as being made plain by them and assented unto by us, shall concern the settled continuance of the doctrine and discipline of the Church of England now established."

Such, then, are the limited assertions concerning the rightful functions of the Church which are contained in Anglican formularies, in statutes, in canons, and in other public documents having the authority of the State, and which are appealed to as disproving the presence of Erastianism in the Anglican Church. That they are totally insufficient for this purpose, the writer thinks is manifest from the contrary bearing of the statutory declarations and *positive enactments* which he has previously quoted, from the language of the subscribed formularies and certain other of the canons, from the precedents of our ecclesiastical history during the last three hundred and twenty years, and from the established and regular practice of Anglican Church polity. The assertions

in question, too, are mere abstract inoperative expressions, and the word of promise which they bring to the ear is broken to the hope by the realities of the case. They witness for truths, which are elsewhere abundantly contradicted ; and for rights, which are denied and violated. To take a political illustration ; it were just as if a stronger state were to acknowledge the independent and rightful powers of a weaker one, and at the same time to proclaim also its sovereignty over it, and systematically assume the regulation of all its internal affairs. The civil power admits, in terms, that "the Church hath authority in controversies of faith;" yet it undertakes to decide those controversies itself. The State recognises the synodical functions of the Church, and then limits and subsequently suppresses the exercise of those functions altogether.

A reference even to the above quoted statutory recognitions of the synodical functions of the Church, limited as those recognitions are, shows how far the modern practice has even receded from them. The import of these recognitions is, that the Church shall not make ecclesiastical laws, but with the consent of the State. Whereas, for the last 136 years, the State has made ecclesiastical laws without the consent of the Church. At the most, these acknowledgments can only be quoted to prove a very humiliating position,

namely, that the Anglican system is not *wholly* Erastian.

The writer now proceeds to notice the *precedents*, few as they are, which seem to bear in a direction contrary to the position he has taken, and which are often quoted as vindicating the Anglican system from the charge of Erastianism. On this point it must be admitted, that the general stream of precedent runs exactly the other way, and that the Tudor sovereigns fully exercised the plenary ecclesiastical powers which they claimed, and left little of independent action to the Church, over which they swayed the spiritual sceptre, and that their self-assumed title of head of the Church was no mere idle designation. Still they could afford, and perhaps even their policy prompted them to make, some practical recognitions of the rightfulness of ecclesiastical functions, as they made them, however sparingly, in theory also. No one who has studied the history of the religious changes of the 16th century in England, can have failed to observe how subordinate was the part in them, which the Convocations of the two provinces of Canterbury and York took, or were allowed to take. Under Henry VIII. their proceedings consisted either in mere inoperative discussions of the great religious questions then pending, or in submissively giving the sanction, which that king thought proper to re-

quire from them, to his three infamous divorces from his queens Catherine, Anne Bullen, and Anne of Cleves, or in solemnly expressing their concurrence in the changes now in a Protestant and now in a Popish direction, which the fluctuating counsels and theological caprices of that despot dictated—now sanctioning his Protestant articles of 1536, and now equally sanctioning his re-actionary and ultra-Popish six articles of 1540. For in the act of submission to that king, dictated as it was by the mere fear of pecuniary penalties, they had lost all their vantage-ground of independence and self-action, and henceforth they naturally became mere servile agents in the hands of the master to whom they had delivered themselves. In the swing of religious change which went on in the reign of Edward VI., the initiatory and authoritative part was wholly taken by the Court and Parliament, while the intervention of the Convocation was limited to giving a sanction to the 42 articles of 1552 and to the first Prayer Book of Edward VI. On their doings in the important first year of Elizabeth's reign, when the future religion of England was hanging in the balance, Fuller the church-historian remarks with truth but with his usual buffoonery, "as it is observed in nature, when one twin is of unusual strength or bigness, the other his partner, born with him, is weak and dwindled away; so

here this Parliament being very active in matters of religion, the Convocation (younger brother thereto) was little employed and less regarded." Accordingly, in the two great legislative enactments of that session, (of 1559), the Act for restoring to the Crown the supremacy of which Mary had divested it, and (which is still more worthy of remark) the Act of Uniformity, ordaining the Liturgy; the Convocation of the clergy, although recognised, as we have seen, in theory by former statutes as the synod and legislative body of the Church, and even as "representing the Church of England," was not even consulted by the ruling authorities of the State. But in the promulgation of the 39 Articles of religion, in 1562, the Convocation was called upon to take an apparently important part, as is indicated by the very title under which they are always put forth to the world, as "Articles agreed upon by the archbishops and bishops of both provinces, and the whole clergy of the Convocation, holden at London in the year 1562, for the avoiding of diversities of opinions, and for the stablishing of consent touching true Religion." The impression, however, which any one will derive from attentively perusing the accounts which remain of the acceptance of these articles by the lower house at least, will not be very favourable to the notion of much independence and spon-



taneity in this synodical proceeding. It is on all hands admitted that the 39 Articles did not originate, as might have been expected, in the deliberations of the synod. They originated chiefly with Elizabeth and her select political advisers, who framed them from the original 42 Articles of Edward VI., leaving out, at the express command of the queen, the condemnation of the doctrine of Transubstantiation originally contained in them.\* Thus prepared, the 39 Articles were introduced to the upper house of Convocation, by which, as every one of its members, the bishops, had been appointed in the furtherance of her own views by the politic Elizabeth herself, we need not doubt that they were very readily accepted. They were then sent to the lower house, evidently with the intention that they should be implicitly subscribed, not independently discussed and judged of by its members. The account given by Burnet, though he magnifies the importance of this Convocation of 1562 and its acts, certainly agrees with the expectations one would form from the dictatorial manner in which religious changes were in that period of our history generally carried through by the civil power, and carries but little appearance of free agency and deliberation in their proceedings. "On the 5th

\* "Make my subjects easy on the doctrine of transubstantiation," such was the queen's direction.

of February, the prolocutor," says Burnet, "with six of the clergy, brought up the articles of religion that had been sent by the archbishop to the lower house. Many had already *subscribed* them; but he proposed that such as had not yet done it, might be required either to *subscribe* them in the lower house, or to *do it in the presence of the bishops*. Upon this, the upper house ordered that the *names of those who had not subscribed* them might be *laid before them* next session.\* On the 10th, the prolocutor, with eight of the clergy, came up and told the bishops that *many had subscribed* since their last meeting. Upon that, the bishops *renewed their former order*." Here Burnet's account of the matter ends; but from this and other accounts of the transactions of those times we may judge how much of real synodical authority was exercised in the matter of the 39 Articles, and what degree of weight is to be attached to the title under which they stand.

Nor, however obtained, did the assent of the Convocation give to these Articles any operative force or validity: this was given by the Ratification of the queen afterwards attached to them. In fact, under the exercise of Tudor supremacy, the Convocation was only called in when it was wanted to give a colour of ecclesiastical authority

\* N.B. Every day's sitting of Convocation is called a session.

to the royal proceedings ; and in this instance, in so important a matter as the settlement of Articles of Religion, the proceeding would have been exposed to scorn and ridicule from Romanists, foreign Protestants, perhaps even from a considerable portion of the English people, had it been ostensibly carried out by the Court and its agents alone. I think every fair and candid person, carefully weighing all these incidents, will come to the same conclusion. Still, with all these deductions, the precedent in question must be allowed to have some weight, as showing that the assent of the Anglican synod was, after a certain fashion, sought and obtained for the Anglican confession of faith, and that the general opinions of the time rendered a resort to that body for its assent in the matter expedient, if not necessary, on the part of the civil magistrate, the female Head and Governor of the Church, for adding a moral weight to her determinations. To have acted in the matter without such assent would have been too glaring an act of usurpation for so politic though imperious a government, and would have been too practical an enforcement of the identical principles which the infidel philosopher Hobbes afterwards propounded in a systematic form. But to proceed : the next precedent of importance in this discussion is afforded in the passing by Convoca-

tion of the canons of 1603, which had been previously prepared by its president Bancroft, then bishop of London, and, soon after, archbishop of Canterbury, a prelate who stood high in the favour of James I.;—canons which are in force at the present day, excepting in those cases in which they have since been summarily set aside by the operation of the Toleration Acts, or, it may be added, rendered obsolete by disuse and by their utter impracticability under the altered circumstances of succeeding times. But these very canons derive their operative force from the confirmation which James extended to them; and in them the doctrine of the royal supremacy itself is, as might be expected from the high notions of regal prerogative prevalent among episcopal and other courtiers of the time, carried even to a higher pitch than was professed under the reign of Elizabeth. The next precedent of the exercise of synodical functions by the Church of England, is furnished by the enactment of the canons of 1640, to which the royal assent was given in due form. But the effect of this precedent is destroyed by the subsequent fate which these celebrated canons underwent, and which places in the clearest light the prevalence of Erastianism in the history of the Anglican Church. They were violently attacked in the same year by the Puritan majority in the Long Parliament, and

the contents of them formed part of the charge against Archbishop Laud at his attainder ; and after the Restoration, so great was the offence which these canons had given to the ruling body of the state, that in the 13th of Charles II. a special proviso is contained that the Act " shall not extend to confirm the canons made in the year 1640, nor any of them." And the practical consequence has been, that, though they have never been rescinded by Convocation, and some few Churchmen have maintained that they still have synodical authority, yet these canons of 1640 are generally considered as having been, by *implication*, repealed by the Act just mentioned, and are totally inoperative, a mere matter of history, recognised as binding neither by the " ecclesiastical" courts, nor by any other authority of the Church.

But the most important precedent of synodical action that has occurred since the Act of Submission of the 24 Henry VIII. is supplied by the proceedings connected with the last review of the Book of Common Prayer in 1662. On this occasion the united Convocations of Canterbury and York were by the royal licence left expressly to the free exercise of their deliberative judgment on the whole matter of the Anglican Liturgical services, and thus fully exercised in the various important alterations and additions which they made to the Book. The whole result of their labours

received the royal assent which was necessary to their validity, and the Book of Common Prayer, thus revised, was appended to the Bill of Uniformity, and received no alterations as that bill passed through the houses of parliament; nay, the house of commons, by an express resolution, abstained from even debating upon the amendments which had been made by the Convocation to the Book of Common Prayer. And in 1689, a remarkable recognition was made by the house of commons of the due authority of the Church's synod in ecclesiastical matters, by addressing the throne to summon the Convocation, and by refusing to settle the question then in agitation concerning the alteration of the Liturgy and other rites and ceremonies, on the ground that such matters properly came within the competence of the Convocation. And it may be added that the plan for the alteration in question entirely fell to the ground, in consequence of the opposition with which it was met by the majority of the clergy in the lower house.

Such are the principal precedents presented by the history of the Anglican Church since the 24th year of Henry VIII., for the authoritative action of its synodical assemblies. A few more precedents, though of less weight, may be found to the same purpose by the diligent student of that history; such as the circumstance, that in Elizabeth's

reign, the Convocation was in the habit of addressing the queen against any obnoxious measures in ecclesiastical matters, pending in the house of commons, (an assembly which, as might have been expected, was perpetually claiming to deal in such matters in an age when the Church was chiefly regarded as a creature of the State, a part of the civil administration) and that the queen on one occasion (in 1572) signified to that house through the Speaker, that no bills concerning religion should be received, unless they should be first considered and approved by the clergy : and that in that and succeeding reigns, the Convocation generally exercised the power of simply *discussing* matters of ecclesiastical interest and importance, and thus of expressing their *sense* thereupon, though without the royal license they could make no resolutions of a formal and practical character ; and also of addressing the Crown or petitioning the houses of parliament, on any point that might be in agitation; and that the *lower* house had the power of communicating its resolutions and wishes to the upper house, the bishops in synod assembled. How far the effect of the fullest collection of such precedents, whether they be of greater or less importance, counterbalances the effect, in theory and practice, of the decisive enactments which point in an opposite direction, the writer now leaves the intelligent reader to determine

—adding that in the best judgment that he himself has been able to form after a careful examination of the question in all its bearings, he cannot perceive that these precedents, taken in conjunction even with such recognitions of ecclesiastical and anti-Erastian principles, as may be found in the statutes and authorised formularies, can avail to remove the stigma of general and predominant Erastianism in the whole matter connected with the synodical action of the Anglican Church; or that they do more than witness against that Erastianism, and show how far in the practice of the present times we have *receded* even from the usages of Tudor and Stuart times, and fallen into a worse condition.

On another important point with which Anglican Erastianism is conversant, namely, the appointment of bishops, some precedents, or quasi-precedents, are brought forward as if to show that these appointments do not rest, or have not rested, entirely with the Crown. Under this head it is observed, that Elizabeth usually consulted her archbishops, and particularly Whitgift, in the selection of bishops; that Charles I. also consulted Laud and other prelates in the same matter; that Charles II. followed the same course; and towards the close of his reign (in 1681) issued a commission to the then archbishop of Canterbury and certain others, to recommend to



him persons for vacant preferments ; that a similar commission was issued by William and Mary, and a second one by William the Third ; that Queen Anne sometimes, not always, consulted bishops as to the elevation of particular persons to episcopal sees ; and that the two first Hanoverian kings, even during the corrupting ministry of Walpole, occasionally had recourse to bishops for recommendations of fit persons for the episcopate. Further, it has been urged that in two cases, that of Dr. Samuel Clark, and that of a Dr. Rundle,\* the royal intention to have them respectively elected to English bishoprics, was retracted at the remonstrances of objecting prelates. But what do these episcopal precedents prove ? Not assuredly that the Church possesses any valid restraint upon the absolute nomination of bishops by the Crown or Government ; but that certain sovereigns have had the conscience, or the decency, to consult some ecclesiastical advisers in making these nominations, or to withdraw intended nominations at the remonstrances of such advisers ; and that they did not always make the awfully responsible power of appointing bishops a mere matter of private partiality, or political convenience. If these precedents have any other effect, it is to afford a presumption that civil magistrates are not usually the best qualified of

\* These cases occurred in the reigns of George I. and George II.

themselves to make choice of the most important office-bearers in the Christian Church, however they may be empowered by temporal laws to appoint them.

The above precedents are quoted as being mainly relied upon by those who have maintained that in two important respects at least, that of synodical action, and the appointment of her bishops, Erastianism does not prevail in the Church of England. But assuredly they only go to the extent of showing that the Anglican system is not, nor has been, *wholly* and *solely* Erastian, both in theory and practice—a very poor and unsatisfactory conclusion, certainly, for those who contend that Erastianism is not a prevailing element in our ecclesiastical position. Had our system been wholly and entirely Erastian, there could assuredly be no dispute or question as to the fact, for the fact would have been too patent to be doubted.

It is the inconsistency of some of the precedents, and the incongruity of the principles, presented in the history and the theory of the relations between the Church and the State in England, which alone have given ground for any question as to the true nature of those relations, and have so much obscured the perception of the real state of the case—so much obscured it, that the learned and discriminating Lutheran Mosheim, in his

Ecclesiastical History, after a vain and hesitating attempt to describe the relative position of the civil and the ecclesiastical power in England, is reduced to the following admission : " The truth of the matter is plainly this, that the ecclesiastical polity in England has never acquired a stable and consistent form ; nor has it been reduced to clear and certain principles. It has rather been carried on and administered by ancient custom and precedent, than defined and fixed by any regular system of laws and institutions."\* But assuredly there is nothing in the *nature* of the thing to render the decision of the question impossible, though it may be difficult. The difficulty arises from the multitude and perplexity of facts and details, the knowledge and consideration of which are thought to be requisite to the full discussion of the question. The real question is, does Erastianism prevail, *upon the whole*, in the Anglican system, or not ? or, to state it otherwise, does Anglicanism imply, or not, that system of principles and that course of action, which deprive the Church of independent existence ? The present writer argues that the affirmative is here the truth ; and he hesitates not to assert, that let any candid and impartial enquirer follow the usual and approved method in disquisition, and taking

\* See Mosheim's Ecclesiastical History, vol. iv. pp. 200-2.

each of the two contrary hypotheses in turn, apply it to the whole mass of facts and phenomena which are presented by the question, he will find that the hypothesis, in support of which the present writer is arguing, is alone consistent with the whole truth of the case.

The writer will now briefly retrace the steps of the foregoing argument, by which he endeavours to point out that Erastianism, or the subjugation of the Church by the secular power, is the true state of the relations between the Church and temporal constitution in England. In doing this, he has shown by reference to facts, that four of the principal and essential functions of the Christian Church are, in this country, either superseded or infringed upon, or altogether suppressed by the action of the civil power, namely: (1) Government; (2) Synodical and legislative function; (3) The exercise of the discipline of Christ; and (4) The free choice and appointment of its bishops and spiritual rulers. He has then noticed, and endeavoured to remove, the objections to this view, which are founded, first, upon the abstract recognitions of the prerogatives and functions of the Christian Church, made in certain statutes, and in religious formularies authorized both by statute and by the Church itself, and, secondly, upon certain alleged precedents of the actual exercise of those functions and prerogatives, which

have occurred since the formation of the existing relations of Church and State in this country. Now, whether by these means the writer has established it as a fact, that the above-mentioned essential functions of the Christian Church have been thus injuriously dealt with by the civil power; this is the question now submitted to the judgment of the reader; and if this fact be considered as established, it must be admitted as a necessary consequence that Erastianism, or the subjugation of the ecclesiastical by the civil power, prevails in the Anglican Establishment.

But this part of the subject will not perhaps be complete without a consideration of the arguments by which many have sought to deny, or explain, or get over, the fact that the ecclesiastical functions in question have thus been dealt with by the temporality in this country. Those arguments are, indeed, various, manifold, ingenious, subtle, refined; but in the writer's view, such as mystify or elude the point, and are always unsatisfactory, often manifestly contradictory with each other. They are, indeed, a monument of controversial, legal, metaphysical, and dialectical skill and acumen; and the writer must avow his conviction, that unsound as they appear, they require a far firmer grasp of intellect, and a far more subtle power of reasoning than himself possesses to disentangle and refute them. In short, they

are such as might be expected in the productions of able and learned men, arguing to establish what their own interests or their predilections would incline them to establish. But the simple force of truth is more powerful than these arguments. The writer will proceed to consider them briefly.

When Henry VIII. first assumed the supremacy, by taking the apparently blasphemous title of Head of the Church, as the pope had done before him, together with a plenary power in all spiritual things and causes; some of his adherents justified his appropriation of the title by the precedent of Saul being termed in Scripture, "head of the tribes of Israel." But surely the title thus given to the Israelitish monarch did not necessarily import more than temporal dominion: an analogous title were proper to *any* king, heathen, Jewish, or Christian. Another interpretation put upon Henry VIII.'s new title of Head of the Church was that it did not mean "head of the Church" as a corporate body, but head or ruler of every individual member of it. If this meant that he was ruler of every individual member of the Anglican Church in temporals, the title was superfluous and expressive of a mere truism. If it meant that he was ruler of every individual in religious matters, this was naked Erastianism. But the assertion, that the

term "head" did not intend government of the Church in spirituals was a mere falsehood, as was shown by the language and actions of that king himself.

It has been argued that the supremacy or chief government of the civil magistrate over the Church in all things ecclesiastical and spiritual, means that **he** has the power to punish spiritual or ecclesiastical offences with the civil sword.\* But surely this is not the doctrine either of the Church or the State in these days; it is the mediæval theory of *persecution*, according to which it was lawful to burn, imprison, or otherwise punish, temporally, those whom the State regarded as *heretics*. And assuredly this was not what was *meant* by the words of the 37th article, or 36th canon, to which the clergy pledge themselves; nor supposing it were meant, can we understand *why* it was thought necessary to extract from the clergy an opinion on a purely *political* question, like that of the right of the magistrate to punish heretics; nor can we suppose that any one, in assenting to the formularies in question, seriously *means* such a doctrine as this. Again, a writer distinguishes that the supremacy is "*in* all things and causes ecclesiastical and spiritual, not *over* them." Surely this is but a verbal quibble of little consequence.

\* Bishop Beveridge on the 37th Article.

Further, it is sometimes urged, that the assumption of spiritual and ecclesiastical power is an act and deed of the State by its own laws, to which the Church or the clergy were not parties, and for which they are not responsible. To this it is to be answered that the Erastian doctrine implied in these enactments is assented to by the clergy in their formularies, and that the Church becomes a party to the effect of these enactments by acquiescing in them. Again, an exactly *contrary* ground was taken by the Bishop of Exeter in the House of Lords, in justification of the Church in this point, by the assertion that the supremacy was *not* imposed by Statute, but voluntarily conceded by the Church in synod; a ground which the law-lords present successfully disputed, and which a perusal of various enactments already quoted will amply invalidate. Again, it is urged that the spiritual jurisdiction of the Crown, or Privy Council, is not that of *jus faciendi*, but of *jus dicendi*. But assuredly the power *jus dicendi* or the interpretation of her own laws, as well as the *jus faciendi* or the right of making those laws, *equally* belongs of divine right to the Christian Church. Besides, it is notorious that the statutes of the *realm* are the rule of the Privy Council (and of the other "ecclesiastical" courts also) in spiritual decisions. And, in the third place, it is manifest, that the interpretation of law



is often, *practically*, the making of law. Another divine, Dr. Pusey, in commenting on the words of the 36th canon, "that the king's majesty is the only supreme governor of this realm, as well in all *spiritual and ecclesiastical* things as temporal," thinks that the meaning of the word spiritual is to be understood as limited to the meaning of the word ecclesiastical.

To this it may be answered, first, that the limitation is purely gratuitous and conjectural; and, secondly, that admitting it, the word "ecclesiastical" must either be taken to mean "spiritual" or "temporal;" if in this place it means "spiritual," the expression is purely tautological; and surely the word "spiritual" can never be taken to mean "temporal." To such shifts are they driven who attempt to explain satisfactorily the existing status of the Anglican Church in relation to the civil power. Another argument, equally strange, has been employed in this case, by which the subjugation of the ecclesiastical by the civil power is admitted, but is at the same time regarded as a Divine judgment brought upon the Church for its sins in Tudor days, and a moral bondage to which the Church ought patiently to submit, as the Jews were bidden to succumb to their Babylonian oppressors and to the physical captivity which those oppressors inflicted on them. But this argument entirely proceeds on the false assumption that the

rights and liberties of the Christian Church are her own to maintain or surrender at pleasure, instead of a grave *trust* and charge consigned to her by her Divine Lord. And to admit that the sins of the Church introduced that weakness which laid her at the feet of an overbearing tyranny—this circumstance neither justified the surrender of her heaven-given rights and liberties at that time, nor justifies her clergy now-a-days in assenting to such a surrender.

Again, it has been actually alleged that the words of the 37th article and of the first article of the 36th canon, to which the clergy and others profess *ex animo* their unfeigned assent and consent, do not ascribe ecclesiastical supremacy to the king, but simply deny that supremacy to the Pope. Whereas it is manifest that the declarations in question embrace two particulars; one negative, excluding the supremacy of the Pope; another positive, affirming the supremacy of the Crown. Again, it has been lately asserted, in a declaration put forth by a considerable number of the clergy, that the supremacy of the Crown is only “in the temporal accidents of spiritual things.” But surely this statement is at variance with the plain language of the very statutes which erected that supremacy, and which are the measure of its exercise; and, also, with the formularies to which the clergy are pledged, and in which it is expressly

affirmed that that supremacy is "in all things and causes ecclesiastical and spiritual." And, as a matter of notorious fact, the Judicial Committee of the Privy Council, the tribunal by which that supremacy is judicially carried out into practice, would be the ultimate court of appeal in any question of pure *doctrine* which might come before the ecclesiastical courts. Similar is the plea that the judicial supremacy of the Crown, in ecclesiastical and spiritual causes, is none other than that cognizance which the courts of law and equity can be called upon to exercise in any causes concerning the property and the trusts of Romanist or Dissenting communions, causes in which questions as to the religious doctrines of such communions may be involved. To this it is to be replied that the law and equity courts of the realm exercise no jurisdiction in causes among Romanists or Dissenters touching pure questions of doctrine or discipline, apart from any considerations of property ; whereas in the Church of England *all* questions of doctrine or discipline are subject to the jurisdiction of the Crown in and over the *ecclesiastical* courts—a circumstance which makes a wide and essential difference between the case of nonconformist communions and that of the Church, in regard to the jurisdiction of the Crown. So wide is the range of defence employed in reference to the point before us, that some have had re-

course to an old legal phrase or fiction, by which the sovereign is described as "*persona unita cum sacerdotibus sanctæ ecclesiæ*," an expression which, if it means anything, would imply that the sovereign has also a priestly character: "*rex unctus non mere persona laica, sed mixta secundum quosdam*"—an anointed king is a person in a double official capacity, half spiritual, half temporal; the former moiety being derived from his "anointing."

The writer, not being versed in legal questions, cannot reply to these technical phrases, he had almost said jargon, in legal language. It is difficult to make out what is meant by them, according to the perceptions of common sense; indeed, they appear to him to imply what it is so difficult to grapple with in argument, viz. nonsense. But let us give them an intelligible meaning, and suppose that these phrases really mean, that any English king or queen, who has been anointed, is not merely a temporal ruler, but a spiritual office-bearer, a priest and a bishop in the Christian Church. No matter what his character, or belief, no matter whether he be king by hereditary descent, legal sanction, or usurpation—if he be king *anointed*, (for this seems the essential point), he is thereby rightfully invested with this supreme spiritual authority. And if such is of right the case in England, it will equally follow, that by *right* every other anointed king of a country where the

Christian Church is tolerated, has been, or ought to have been, a supreme bishop and priest over the Church, even though, as has *sometimes* happened, he may have expressly disavowed any such claim. This seems absurd. It may also be observed, that according to this doctrine, he is not this chief-priest or bishop of the Church till he has been anointed; yet in England he exercises his supremacy *before* he has been anointed. But, perhaps, it will be answered, "he exercises it in anticipation of his anointing!" A similar argument need only be mentioned, according to which, the putting on of a certain kind of robe by an English sovereign at his or her coronation, is regarded as the act of assuming a rightful spiritual authority! But, in reality, this argument of the *rex unctus* and *mixta persona* does not touch the whole case of Anglican Erastianism, for the civil supremacy is really exercised not by the person of the sovereign, but by the premier, and the parliament, and the judicial committee of the privy council. Even to suppose notwithstanding, according to the constitutional doctrine, that the sovereign really has this supremacy, but that the exercise of it by the above powers in the State takes place in his name and by his authority, the whole argument proceeds on the admission of the point for which the writer contends, viz., that the civil power in this country thoroughly predomi-

nates in ecclesiastical matters; and all that it involves is the giving that power an ecclesiastical *name* as well as a civil. But the addition of a new *name* is no alteration of the case or its consequences. If, to take an illustration, the French emperor were to claim and successfully assert a right to govern England, the fact of his doing so would not be improved to the English mind by his being called a *mixed sovereign*, half French, half English, or English king as well as French emperor. Indeed many an unjust aggressor and conqueror has been very willing to be regarded and called the rightful sovereign of the subjugated nation. Again, if by Divine appointment there be already a sufficient provision made in the Christian Church for its oversight and government, what reason or occasion can there be for the "mixta persona" also, or the additional and paramount government of it by a ruler who in one aspect is civil, in another ecclesiastical? But after all, this notion of the "*rex unctus persona non mere laica sed mixta*," half lay, half ecclesiastical, is a mere confusion of thought; no person can be *both* lay and ecclesiastical at the same time, according to any intelligible distinction between laics and ecclesiastics. And although the phrase may occur in old law books, it is really exploded, and certainly is unknown both to the ecclesiastical statutes and to those authorised formularies of the

Anglican Church, which expressly define the ecclesiastical claims of the "*civil magistrate*." Somewhat similar is the plea for Erastianism, derived from the doctrine of the divine right of kings introduced by the Stuarts to fortify their title to the throne, and to give themselves an indefeasible claim thereto by *inheritance*; for it is well known that the accession of James I. was in violation of the provisions for the succession made by Henry VIII. in his will by authority of Parliament, and therefore had no statutable ground. The writer will not revive the ancient discussion of the divine and hereditary indefeasible right of kings of a certain family to a particular throne; nor whether such right, if it exist, implies the right of spiritual supremacy. Nor will he examine the plea for such supremacy derived from the doctrine of the peculiar "sacredness of the regal office," which, together with the style of "*sacred* majesty," was also introduced by the Stuarts. The writer passes to notice one more plea, not unfrequently urged by way of defending the ecclesiastical supremacy of the civil power in England. In this argument the fact is admitted, but an attempt is made to justify it by recrimination upon Anglican Non-conformists, and upon continental Churches of the Roman obedience.\* Thus we are sometimes

\* This is Dr. Hook's line of "defence" for the Anglican Church in his Church Dictionary on the word "Supremacy."

reminded of the use which the Presbyterians and Independents made of the civil power when it was in their hands during the Rebellion and Commonwealth; of the desire evinced by many Non-conformists in 1689 to obtain a comprehension of themselves in the Anglican Church, by the mere intervention of Parliament; and of the fact that, until the year 1779, Dissenting ministers were in the habit of subscribing, according to the requirements of law, certain of the 39 Articles of Religion. And, with regard to Romanists, we are reminded of papal concordats, as with Napoleon, by which the sovereign had the absolute nomination of bishops; of the successful aggressions upon ecclesiastical liberties committed by the edicts of Joseph II. and his successor Leopold, and the consequently fettered condition of the Church in Austria; and of the previous inspection of episcopal charges by civil authorities in some continental countries, and of other similar facts. Thus it is argued that the condition of various Churches in communion with the see of Rome is as bad, or even in some respects practically worse, in relation to the civil power, than that of the Anglican Church. But in this argument, such as it is, one especial point of difference is omitted, viz. that no explicit *admissions* of the alleged *right* of the civil power to ecclesiastical supremacy are forced upon the consciences of the clergy of those communions,



as is the case with the clergy of the Anglican Church. However, at the most, it is manifest that no recriminations, however just, upon other Churches can supply a valid justification of this or any other questionable element in the Anglican or any other system.

Such are the principal arguments by which many, even while holding abstract principles of ecclesiastical independence, have endeavoured to explain, surmount, or justify, in accordance with those principles, the existing relations of the Church with the temporal polity and power in this country. The reader will judge for himself whether they answer the purpose designed. So far from invalidating the facts of the case, they appear to the writer even to furnish an additional confirmation of those facts, exhibiting as they do more elaborateness and subtilty than is consistent with truth in matters of fact—a conflict of admissions and denials, and a complete Babel of ratiocination. And he would in passing express his wonder that such sophistry should so long have been current on the subject; and that the theological teachers of youth, and especially of candidates for holy orders, should go on repeating it, and thereby perplexing or misleading the minds and judgments, and, still worse, warping the ingenuousness of the characters, of the recipients.

Having thus endeavoured to meet the principal

counter-arguments and objections, the writer will proceed no further with the present point than to remind his readers that the predominance of Erastianism in the Anglican system, in other words the subjugation of the Church by the State in this country, is a fact to which multitudes of writers and other members of the Established Church, of Romanists, of English Nonconformists, of continental Protestants, of Scottish Presbyterians, of American Episcopalians, with one voice, have given and daily give their testimony; some lamenting it; others rejoicing over it with keen derision and hatred, and denouncing the Church on this account as a mere establishment, a creature of the civil power, a function or department of the civil administration, an Act-of-Parliament Church, a law-Church, and the like: but all substantially agreeing upon the fact. Insomuch that altogether one cannot but wonder that it should now require proof or illustration: for how many facts of the kind are there which rest upon stronger evidence? To deny it, seems to question the perceptions of common sense, and to weaken all the grounds of moral proof.

But, after all, to prove the subordination and dependency of the Anglican Church in regard to the temporal constitution, seems a superfluous task, like establishing a self-evident proposition. Surely, if the State were in the hands of the

Church as much as the Church is in the hands of the State; if the Church had the choice of the governors of the State, and the power of making laws binding it in reference to temporals, of suppressing the legislative functions of the State, and of over-riding and crippling its jurisdiction; it could not have been said that the State was independent of the power of the Church, and co-ordinate with it. The writer will therefore in the following pages, assume it as a fact that Erastianism prevails over the Anglican Church; and he will endeavour to establish three points, the truth and importance of which appear to have been inadequately recognised; viz. that this Erastianism is evil in its own nature; that it is noxious in its operation upon the interests of the Church and of religion in this country; and, lastly, that it is injurious in its tendencies and effects as regards the real interests of the State and the nation.

## CHAPTER II.

### THE NATURE OF ANGLICAN ERASTIANISM.

THE existing domination of the temporal power over the religious concerns of the Church in England, if it be an usurpation, is an usurpation manifestly involving a high degree of guilt, as being conversant with the things pertaining to the kingdom of God. And that it is an usurpation will appear from the following among other considerations:—1. The temporal power is, though under the Divine authority, an “ordinance of man;” but spiritual authority is a direct ordinance of God. 2. The Christian Church is a society originally independent and separate as regards the civil power in any commonwealth in which it may have been planted. 3. The Church, and the State or collective sovereignty of a commonwealth, exist respectively for different objects; the former for the spiritual benefit of man; the latter for the protection of person and property, and the increase of a nation’s wealth; the former regards the souls, the latter the bodies of men.\* 4. The

\* Warburton, *Alliance of Church and State*.—“The State

respective sanctions of ecclesiastical authority and of the civil power are immeasurably different in their nature, the sanctions of the former being spiritual and moral, of the latter secular and external; the former acting solely upon the heart and conscience, the latter upon the body and estate; the former appealing to the judgment of Heaven for the ratification of its sentences,\* the latter to physical force, or, as it is briefly termed in Scripture, "the sword"† for the enforcement of its ordinances; Church authority appealing solely to religious and moral considerations, civil power to considerations of secular prudence and self-interest; the former speaking and acting immediately in the name of God, the latter in the name of the civil community, even as the Church is the mystical body of Christ, the commonwealth, a natural combination of men; the former the visible embodiment of Christianity, the latter existing independently of all forms of religion, and in all nations and ages. Now that a power of such a nature, kind, and purpose as the civil power should undertake to supersede the legitimate functions of the spiritual community, should take away the exercise of its powers, and in many instances substitute its own

bath only the care of bodies, and the Church only the care of souls; and each society is sovereign and independent of the other." Yet this author maintains that the latter may beneficially surrender its independence to the former.

\* Matth. xvi. 19; xviii. 18; 1 Cor. v.

† Rom. xiii. 4.

action, and deprive it of the liberty to employ means which it was evidently intended to employ for its own high purposes,—surely this is an usurpation, if there be any usurpation; and if the things of God be here concerned, as all Christians allow that they are, an usurpation involving the highest guilt and impiety.

Further, the very notion of the spiritual supremacy of the civil magistrate involves anomaly and contradiction; even as every kind of usurpation, when it comes to be stated and defended on grounds of reason, is quickly involved in unreason and absurdity. The very name and notion of civil power and spiritual authority indicate and import a separateness and distinctness in the matters with which they respectively deal. It were as unreasonable that “civil” should domineer over “spiritual” as that “spiritual” should domineer over “civil.” Next, let it be considered that whereas by the statutes and formularies spiritual government is ascribed to the civil magistrate, while it is acknowledged that spiritual authority also resides in the Church’s own office-bearers, there must result both theoretical contradiction and practical embarrassment in the existence of *two* sources of spiritual government in the same society, a civil-spiritual and also an ecclesiastico-spiritual government. How can there be (in reason) two governments of the same kind

dealing with the same matter in the same community? As well might there be supposed two distinct temporal governments in one commonwealth, two heads of one household. Again, an ecclesiastico-spiritual governor may be deposed if he prove himself personally unworthy of his high office; even the pope is subject to a general council,\* and popes have been deposed for their vices. But how can a civil-spiritual ruler of the Church be deposed for his unfitness for spiritual rule, however clearly shown? He must retain it, even though he be full of cruelty, rapine, pride, and lust, like Henry VIII.; of gay licentiousness, like Charles II.; of gross sensuality, like the two first Georges. A security exists in the one case for the fitness of the person for a religious function which cannot exist in the other; and surely every possible security is absolutely necessary in such a matter, for the interests of religion and the avoidance of the most dangerous scandals.

Further, it would appear still more so, if we consider that the Divine Head of the Church, in establishing and giving it the indwelling Spirit, hath already sufficiently *provided* for its government, administration, and edification in all ages by a perpetual and standing ministry of His own appointment. While, on the other hand, no hint is given in the New Testament from which can

\* It was so declared at the Council of Constance.

be inferred the rightfulness of temporal rule in and over the Church in spiritual matters. On the contrary, it would seem to be prohibited by the contrast drawn between the methods and manner of carrying on temporal rule by kings and rulers, and the mode in which His disciples should submit themselves one to another; and by the words "Render unto Cæsar," &c., which would manifestly draw a line of demarcation between powers and things spiritual and temporal; and by the saying, "My kingdom is not of this world,"\* which assuredly seems incompatible with the domination of secular powers in the affairs of His kingdom. It is true that two texts have been appealed to as favouring the predominance of the civil over the ecclesiastical power, though (it is important to observe) to what *extent*, the advocates of that predominance are unable to state. One text is that passage in Isaiah, where, speaking of the future glories of Israel, the prophet announces, "Kings shall be thy nursing fathers, and queens thy nursing mothers;"† but if the advocates of this view will quote the words which follow, they will appear exactly to contradict that view: "They shall bow down to thee with their face toward the earth, and lick up the dust of thy feet." But it must be admitted that it is very doubtful

\* John xviii. 36.

† Isaiah xlix. 23. See also ch. lx. 10, 12.



whether this passage *at all* applies to the destiny of the Christian Church, and whether it was not intended in reference to the future prosperity of the Israelitish nation. The other supposed Scriptural authority for the supremacy of States over Christ's Church is the prophetic declaration in the Revelations, "The kingdoms of this world have become the kingdoms of God and his Christ."\* Surely it cannot, without great boldness of interpretation, be assumed, much less be plausibly established, that this passage implies the existence of such a state of things as is exhibited by the Anglican Church and State system !

The other Scripture argument on which those who advocate or justify the supremacy of the civil power in the direction of spiritual matters, are the supposed precedents of the kings of Israel and Judah. But, surely, the system under which they acted was confessedly an imperfect one, and cannot be urged in all things as an example for Christian times. Else, for instance, we should expect that the bishops and presbyters of the Christian Church should, like the Jewish priests, administer civil and even criminal law. And, assuredly, no proof can be shown, that the Israelite or Jewish kings superseded or suppressed, without manifest sin, the functions of the appointed masters in Israel and rulers of the congregation

\* Rev. xi. 15.

of the Lord, or prevented the ministration of the ecclesiastical discipline which God had appointed under the Mosaic dispensation. If Solomon thrust out Abiathar from the high-priesthood, it was because he had by rebellious conduct forfeited his life, which the king would not take in consideration of his office. If Hezekiah and Josiah rooted out idolatry, this is no more than the nation was expressly commanded to do. But the complete difference between the case of the interference of the Jewish monarchs in religious matters, and the relation in which the State has in this country under the Christian dispensation placed itself towards the Church, will be clearly seen, if we consider that the interference of the former *never* extended to the *suppression* or *deprivation* of any of the functions of the Jewish Church,\* nor to the (*quasi*) authoritative laying down of *doctrine*. In truth, it is in the matter of *doctrine* that the Christian Church so completely differs from the Jewish Church, that any analogy attempted to be drawn in the matter in hand between the two Churches must completely fail. *Doctrine* is the great characteristic of the Christian Church—ritual of the Jewish. In the former it is faith, the correlative of doctrine, which is so frequently and largely insisted upon; in the latter, the worship of God according to a pre-

\* The case of the *idolatrous* kings of Judah is of course excluded.

scribed ritual, and the abstinence from idolatry. In the former, the Holy Spirit is sent to *teach*, and the apostles to deliver that teaching, and to send forth faithful men who shall be able to teach others also—to preach, to exhort, and to deliver doctrine. In the Jewish Church but one doctrine is laid down, the unity of the Godhead. With this immeasurable difference between the two Divine dispensations, it is plain that *where the determination of doctrine is concerned*, no argument can be drawn from one to the other. And certainly these precedents have no avail whatever towards justifying the shackled and disorganised condition to which the Church in this land is reduced by secular domination. In fine, the advocates or defenders of our present Erastian status have lying on themselves the burden of Scriptural proof: they are bound by the fact of a Divine provision within the Church for her spiritual government from the first, to find *clear and decisive* arguments from Scripture in favour of the system they laud or defend. And this they cannot do. Nor should we expect antecedently that they would be able to find such proof. For, if they could find one clear and express justification of the Divine right of the civil magistrate or power to regulate the Church's spiritual affairs in one single respect, that would by parity of reason prove its right to regulate them in every point—a conclusion which almost all Christians would deem ma-

nifestly untrue. But, supposing it true; what then were the *use* of a standing ministry of Christ to rule,\* “set in order,”† govern,‡ “oversee,”§ and preside over,|| the household of God?¶ The government of the spiritual community by its own pastors, though an ordinance of Christ, were on this supposition superfluous. Since, therefore, civil rulers have no Divine right to govern the Church in all spiritual matters, neither have they such right to govern it in any one of them.

But the Scripture argument on the whole subject of civil supremacy in spiritual things, is so well stated by the acute controversialist, Charles Leslie, in his “Case of the regale and pontificale,” that the present writer cannot forbear to give the substance of his reasoning on the point. One argument from the Old Testament history in support of the alleged right of the civil power to regulate the spiritualities of the Christian Church, is founded on the act of Solomon in thrusting Abiathar out of the priesthood.\*\* But it should first be considered, that Solomon had an extraordinary commission from God, that he wrote inspired and prophetic books, and consecrated the temple; and that, therefore, the ordinary jurisdiction of the kings of Judah, though ruling by the

\* Heb. xiii. 17.

† Rom. xii. 8.

‡ Tit. i. 5.

§ Acts xx. 28.

|| 1 Thess. v. 12.

¶ 1 Tim. iii. 5.

\*\* 1 Kings ii. 26.

express will of Heaven, cannot be measured by his practice. Besides, Abiathar was not in our sense of the word deprived by this instance. "And unto Abiathar the priest said the king get thee to Anathoth, unto thine own fields, *for thou art worthy of death*; but I will not at this time put thee to death, because thou hast been afflicted in all wherein my father was afflicted." Here, we see that Solomon was giving judgment upon several traitors who had been in a plot against him; and thus the sentence appears altogether a civil not an ecclesiastical penalty. However it may be urged on the other side that this sentence amounted to a deprivation; for in the 27th verse of the chapter abovementioned, it is said "that Solomon thrust out Abiathar from being priest unto the Lord." To this it is replied, that his banishment necessarily implied his ceasing to officiate as priest, because the proper functions of the priesthood were confined to the temple at Jerusalem. Indeed, after this banishment, we find Abiathar still reckoned as a priest.\*

But after all, what would this case prove? that kings can deprive Christian ministers of their right and calling to minister? If it prove anything, it proves this—and who is there who will allow such a conclusion?—The distribution of the courses of the priests was particularly com-

\* 1 Kings iv. 4.

manded by God to David, and accordingly we find that Solomon put this order in execution. The words run thus: "And he appointed, according to the order of David his father, the courses of the priests to their service; for so had David, the man of God, commanded."

There are two or three passages in the New Testament alleged in proof of the regale. For instance, Christ himself was obedient to civil government, declared he pretended to no earthly kingdom, charged the people to render to Cæsar the things that are Cæsar's, and to God the things that are God's, and forbade his disciples to assume temporal dominion. Thus the apostle wrote to the churches to obey magistrates; and though the government was heathen, they call the king supreme, pronounce him God's minister, and charge every soul to be subject to the higher powers. But these texts prove no further than the king's supremacy over all persons, which all Christians must allow, not in all things or causes; else we must suppose it to be intended that the heathen emperors of Rome should judge in spiritual matters. Besides, they who argue in such a manner seem to consider the Church a member of the State, and as it were absorbed into it; whereas by Divine appointment they are two bodies perfectly distinct. They are raised upon different charters; they have powers independent of each

other; the government is conveyed through different channels; and the objects of their respective institutions are not the same. Such is the reasoning of Leslie on the subject, and before concluding the present point, I will notice a remarkable statement relating to the Scriptural argument on this subject made by Collier in his Ecclesiastical History. On the authority of a manuscript in the Cottonian Library, the historian states, "that Henry VIII. was somewhat sensible that the 20th chapter of Acts, and the 13th of Hebrews, lay heavy on the regale, and therefore he desired, if it were possible, to be disentangled from those texts." "But," adds Collier, "what satisfaction he met with I could not discover."

Upon the whole we may conclude—what, indeed, is admitted in the abstract upon almost every hand, that there is no Scriptural authority for the present relations of the Church and the temporal constitution in England, or for any relations like them; and that the absence of any such authority is in such case equivalent to a condemnation of them, especially as there is already a spiritual power and jurisdiction within the Church, confessedly of Divine institution.

An argument of another kind for the dependency of the spiritual community upon the civil power in matters both of doctrine and discipline, is based on various precedents of ecclesiastical

history, commencing with the conversion of Constantine. In the first place, the writer must enter his protest against the assumed conclusiveness of this argument. The question before us, if it be a question, is manifestly of a purely abstract kind.

If the domination of the State over the Church be abstractedly rightful, no such precedents are necessary to establish the principle; if it be wrong, no precedent can make it rightful. Doubtless from want of faith, or cowardice, or ambition, or self-interest, motives to which human beings in all ages are subject; the spiritual rulers of the Church have at different times too often leaned upon State-support, and for the sake of that support have sacrificed the liberties, and rights, and functions peculiar to the Church in which they were the appointed guardians and rulers. On the other hand, as all experience proclaims the proneness of irresponsible rulers to extend their power beyond its proper limits, it were to be expected that the masters of the Roman Empire would not always be scrupulous in respecting the rightful province of ecclesiastical authority. But assuredly their conduct proceeding from such motives forms no rule for the direction of those who come after them. Surely it is possible that such men as Constantine, and others who succeeded him, may have innovated on the rights of the Church, either wilfully or in ignorance; and that bishops



in their time may either from short-sighted views of expediency, or from timidity or even from worse motives, have allowed, or even invoked such encroachments. The contrary view, which would render such precedents conclusive in this matter, is tantamount to attributing impeccability to Roman emperors, and infallibility to individual bishops. Besides, these precedents, if they prove anything, prove too much ; for if they prove that temporal interference in matters of spiritual jurisdiction, is lawful in *one or more* instances, they prove that it is lawful in *all*, for in this case there is no difference in kind. The question of these precedents is in truth little better than a mere historical disquisition, the result of which can at the most establish nothing but a slight presumption either way,—a presumption which can have no weight at all against arguments drawn from the nature of the case. In truth, the precedents in this case, if duly considered, will either be found to be so contradictory as perfectly to neutralize one another, or perhaps to *establish a presumption in favour* of the independence of the Church in spiritual and religious matters. I shall not attempt to go over the whole of this oft-beaten and curious, but barren ground ; for a volume were necessary for the discussion of every fact that it presents. I will simply touch upon a few of the leading instances,

those which are most insisted upon by the willing advocates or reluctant defenders of the Erastian principle. The case of Constantine is that on which the greatest stress has been laid, and which as it was necessarily the first that could have occurred, and as it occurred in a purer age of Christianity than many ages which succeeded it, has undoubtedly the greatest weight.

It appears to be the view of those few persons, and singular thinkers, who hold that spiritual affairs ought to be regulated by the civil power, that by the very fact of his conversion to Christianity, the Roman emperor Constantine became *de jure* supreme ruler of the Church in spiritual matters. This is the view of such as deny the proper independence of the Church from the State. Others merely point to some of his actions towards the Church, against which no protest was made at the time, as proving a *de facto* supremacy in matters of this kind. To the first and more consistent class of thinkers it may be answered, that their view is simply a *petitio principii*, an assumption of the very principle for which they contend, and a fresh raising of the whole question which is under discussion. If they be asked how the conversion of this Roman emperor made him instantly and necessarily the governor *de jure* of the whole Christian Church, some will make the strange

answer that, because in the old heathen empire, the emperor was ordinarily *pontifex maximus*, his religious jurisdiction and office was on his conversion necessarily transferred from Paganism to Christianity. In other words, because he was the chief priest of the heathen deities, therefore when he became a Christian he became chief priest of the one true God! To so profane an absurdity does this argument lead. Or it is said, that naturally the chief of a nation is the chief director of its religious as well as of its political affairs. But under a Divine dispensation, with its own officers and peculiar sanctions, this natural rule of princes in religious matters can in religion and reason amount to no more than a concurrent jurisdiction to be exercised by civil sanctions and temporal penalties, leaving the Church to exercise her proper authority independently. Else the fact of the prince's Christianity were more adverse to the liberty, and so to the welfare, of the Church, than the fact of his heathenism. Nay, if Christian princes have a right to govern the Church in spiritual matters, so also have heathen princes;\* for the former only differ

\* Some argue the right of princes to govern in spiritual matters, from the circumstance that the temporal power springs from the same source as spiritual authority, and is from God. The source of the two is doubtless the same, but this will not prove that the two powers are of the same nature, and exist for the same immediate end and object. Which we contend is not

from the latter in that they have been baptized and profess the faith. Now baptism and profession clearly do not *ipso facto* invest any person, whether prince or subject, with spiritual rule. And as there really is no argument to prove that either Constantine or any other Christian sovereigns, by the mere fact of his or their profession of Christianity, have a supreme spiritual jurisdiction, so are there numberless arguments, some of which have already been alluded to, to prove that they have it not. The New Testament does not give it them. What can be apparently more unfit and improper than that the commander of armies and fleets, the administrator of secular affairs according to the rules and maxims and methods of worldly policy,—the governor of men by the stern and harsh methods of temporal government, necessarily so alien from the spirit of the gospel,—the promoter, according to his duty and office, of the temporal security, prosperity, and wealth of his subjects,—what can be more unreasonable or unfit, than that such an one should administer the affairs of Christ's kingdom upon earth, decide its controversies of faith, prescribe

the case; as two streams proceeding from the same source may take opposite directions. And the fact of identity of source would equally prove the right of heathen as of Christian princes to govern the Church, since the power of heathen princes is equally from God; or, of the other hand, on Church governors to govern the State.

its ceremonies, appoint its functionaries, whose qualifications differ so completely from the qualification of temporal administration, and administer the discipline which Christ has established in his Church? Surely, to take no higher view of the matter, it may be asked, has not the temporal ruler enough to do efficiently to exercise his temporal jurisdiction, without taking on himself the duties and responsibilities of spiritual jurisdiction? The pomp and splendour, and the wealth, luxury and glory, with which earthly dominion is invested, seem altogether alien from the character of spiritual government. In late years, a sovereign, whose throne, like that of Constantine and the other emperors of Rome, was founded on military ascendancy, betrayed a just appreciation of the inconsistency of imperial grandeur and circumstances, with spiritual rule, in the answer which he gave to those counsellors, who urged him, in a dispute with the Pope, to imitate Henry VIII., and declare himself head of the Church in his dominions ; “ No, I have no inclination to tread Mount Calvary.”

Again, since ecclesiastical jurisdiction is very mainly conversant with the deciding of controversies arising from different interpretations of the word and revelation of God, and with questions arising from the bearings of that word on the lives and actions of men, and not merely with

questions of fact as regards the innocence or guilt of individual Christians, it would appear to be the height of absurdity and folly to give the decision of such controversies and questions to secular princes, and their secular officers, that is, to men whose pursuits, professions, and occupations, are devoted to matters of a totally different, nay opposite nature. It were similarly absurd and foolish that the civil magistrate should undertake by himself or his deputies to decide any questions of philosophy or science, or literature or art, that might arise in scientific or literary, or other societies; though in such a proceeding merely absurdity and folly would be involved, and not evil also, as we contend is the case, when civil powers exercise spiritual jurisdiction. Thus much may be said in reference to the principle, propounded more or less explicitly and distinctly by certain religionists, according to which the Christian profession of the emperor Constantine and his successors rendered them of necessity the rightful and proper administrators of the spiritualties of the Christian community. I will only add upon this head, that, if Constantine, on his conversion to Christianity, became of right the spiritual ruler of the Christian Church, it follows that until his time for three hundred years the whole Church had been without its proper and legitimate governance.

I come now to some of the facts and precedents

to which many appeal, as showing that Constantine (and others who succeeded him in the empire of Rome) did *actually* exercise the jurisdiction in question. I first observe, that this line of argument is consistently used by those peculiar thinkers among Christians who consider that Constantine and his successors, and, indeed, all monarchs or governments professing Christianity, have a right to this power;—for the exercise of a power, *at least, if it be not protested against*, and be willingly submitted to, is some presumption of the existence of a right to that power. But no reference to those precedents, as favouring the spiritual subordination of the Church to the State, made by those who yet assert and would maintain the proper independency of the former, appears to myself to have either relevancy or consistency.

It must be evident, at first sight, that the precedents connected with the emperor Constantine at least, and his ecclesiastical policy, derive all their strength, not from the degree to which he was willing to extend his authority, but from the degree to which the authorities of the Church were willing to submit to it. The whole argument from these precedents must resolve itself into this, that it is presumable or probable that the interference which this Roman emperor exercised in the affairs of the Christian Church was *per se* rightful, because the Church willingly allowed it.

For assuredly no one can attach any weight to the judgment or will of Constantine in the matter, when it is considered that it is utterly improbable that he was so far acquainted with Christianity as to be able to judge correctly with regard to the proper province of the civil magistrate in regard to its concerns, doubtful how far he was a believer in Christianity, and probable that he would exercise as much authority in its affairs as be thought proper, without exciting the opposition of the Church, whose good-will he was desirous to secure. Nay, even supposing—and the supposition is merely gratuitous—that this emperor was able to form such a judgment upon the matter, that he was an unfeigned believer in Christianity, and that he possessed the rare moderation of seeking no more power than he had a moral right to assume; yet his judgment and conduct will, upon this supposition, have no greater weight than is due to any other individual man similarly qualified. The whole gist, therefore, of the precedents with which his name is connected consists in the sanction which the authorities of the Church gave to his interposition in her affairs, by permitting it; for it is supposed, (gratuitously, as the writer thinks), that they would necessarily both be aware of the limits to which such interposition might be rightfully extended; and, also, that they would not have submitted, without protest and reclamation,



to any extension of that interposition beyond such limits. Such, then, is the real ground taken in any appeal to the ecclesiastical precedents of the reign of the emperor Constantine, as favouring the connections existing between the Church and the temporal constitution in England at the present moment. But the weakness of this ground will be apparent, when we consider that no such infallibility attaches to the prelates of the Christian Church at that more than at any other period, as would render their conduct a certain guide and authority for the ordering of ecclesiastical affairs in subsequent ages; and that even their conduct must be judged of by reference to principles, rather than principles by a reference to their conduct. Nay, rather it may be safely asserted that, so far as circumstances, the experience of ages, and the results of lengthened controversy, are aids to the formation of a correct judgment upon this as on any other religious question, Christians of the present day are far better qualified than their predecessors in the time of Constantine to form a correct judgment upon the question, what is the true theory of the relations between the ecclesiastical and the civil powers in a nation and kingdom wherein Christianity is the professed religion? It is not likely that the question ever presented itself forcibly to their minds; and it is certain that the novel position

of the Church, suddenly emerging from the gloom of depression and from the violent storms of the bitterest persecution that had ever befallen her at the hands of the civil power from her first foundation, and passing into the sunshine of imperial protection and even favour, was precisely such as would preclude the consideration of any question of the kind. Joy and gratitude at this total and unexpected revolution in her condition would naturally leave but little room in the minds of her authorities and people for any thought of fixing the due limits of the interference of her beneficent and magnanimous deliverer in the regulation of her affairs,—and would rather incline them to the opposite extreme of implicit confidence and unwise generosity: especially as from the very nature of the case no precedents *then* existed to alarm their caution, or to guide their judgment in the matter; for the Church had till then been invariably either persecuted or ignored by the powers of the world. Could they have thought that they were *making* precedents for future ages, their conduct would perhaps have been different. Moreover, as the history of men in all ages is the record of beings more or less imperfect, there is reason to think that the minds of many of the authorities of the Christian Church were somewhat dazzled by the unwonted courtesies with which they were treated by the mighty soldier and statesman,

whose uncontrolled will and sagacious intellect then wielded all the powers of imperial Rome: and that the single eye of many individuals among them must even, though unconsciously, have been somewhat distorted by the desire of obtaining or preserving the favour and confidence of so great and gracious a sovereign, not unmingled with awe at the danger of opposing his determinations. Surely such considerations as these deserve to be borne in mind in any appeal that may be made to the ecclesiastical precedents of the era of Constantine.

But, how little these precedents at the most bear upon the question in reference to the existing states of Anglicanism, will be evident from the statements of two historians of most profound erudition and practised judgment, — historians, whose bias in neither instance would by any means favour the *undue* exaltation of ecclesiastical authority,—the German Lutheran Mosheim, and the English infidel Gibbon. This will be evident from the following quotations from their respective works. In his ecclesiastical history Mosheim gives the following account of Constantine's policy in this respect: " The administration of the Church was divided by Constantine himself into an *external* and an *internal* inspection. The latter, which was committed to bishops and councils, related to religious *controversies*, the *forms*

*of divine worship, the offices of the priests, the vices of the ecclesiastical orders, &c.* The external administration of the Church, the emperor assumed to himself. This comprehended all those things which relate to the *outward state and discipline* of the Church; it likewise extended to all *contests and debates* that might arise among the ministers of the Church, superior as well as inferior, concerning their *possessions, their reputation, their rights and privileges, their offences against the laws*, and things of a like nature; but no controversies that related to matters purely religious were cognizable by this *external inspection*.\* The more lengthened statement of this matter given by Gibbon, is not essentially dissimilar, while the peculiar sneers of his style are not of course occasionally wanting. "This distinction of the spiritual and temporal powers, which has never been imposed on the free spirit of Greece and Rome, was introduced and confirmed by the legal establishment of Christianity. The office of supreme Pontiff, which from the time of Numa to that of Augustus, had always been exercised by one of the most eminent of the senators, was at length united to the imperial dignity. The first magistrate of the State, as often as he was prompted by superstition or policy, performed with his own hands the sacer-

\* Ecclesiastical Hist. vol. i. p. 350.

dotal functions ; nor was there any order of priests, either at Rome or in the provinces, who claimed a more sacred character among men, or a more intimate communication with the gods. But in the Christian Church, which entrusts the service of the altar to a perpetual succession of consecrated ministers; the monarch, whose spiritual rank is less honourable than that of the meanest deacon, was seated below the rails of the sanctuary, and confounded with the rest of the faithful multitude. The emperor might be saluted as the father of his people, but he owed a filial duty to the fathers of the Church ; and the same marks of respect which Constantine had paid to the persons of saints and confessors, were soon exacted by the pride of the episcopal order. A secret conflict between the civil and ecclesiastical jurisdictions embarrassed the operations of the Roman government, and a pious emperor was alarmed by the guilt and danger of touching with a profane hand the ark of the covenant. The Christians had been obliged to elect their own magistrates, to raise and distribute a peculiar revenue, and to regulate the internal policy of their republic, by a code of laws which were ratified by the consent of the people, and the practice of 300 years. When Constantine embraced the faith of the Christians, he seemed to contract a perpetual alliance with a distinct and independent

society; and the privileges granted or confirmed by that emperor, or by his successors, were accepted, not as the precarious favour of the court, but as the just and inalienable rights of the ecclesiastical order.

“The Catholic Church was administered by the spiritual and legal jurisdiction of eighteen hundred bishops; of whom one thousand were seated in the Greek, and eight hundred in the Latin provinces of the empire. The emperors, as the guardians of the public peace, and as the first citizens of Rome and Constantinople, might effectually declare their wishes in the choice of a primate; but those absolute monarchs respected the freedom of ecclesiastical elections, and while they distributed and resumed the honours of the State and army, they allowed eighteen hundred perpetual magistrates to receive their important offices from the free suffrages of the people.”\* Such are the accounts given by Mosheim and Gibbon of the extent and manner in which the first Roman emperor who professed Christianity dealt with the affairs of the Christian Church; and assuming the accounts of these two great historical authorities to be correct, (nor is there any reason to question their accuracy) one cannot but wonder that any appeal should have been made to the precedents of this era in defence of Anglican Erastianism,

\* *Decline and Fall, &c.*, vol. iii., pp. 273 seq.

with its determination of doctrine by the Crown, its destruction of the spiritual judicature of the Church, its suppression of synods, its parliamentary legislation for all Church affairs, its *premunires* and arbitrary making of bishops by the civil power. Whether the Church and its authorities were justified even in the concessions they made to the emperor, in return for the toleration and privileges which he extended to the Christian profession, is not the present question ; though it would seem that if the Church rightfully, according to its bounden duty, exercised what came to be termed its own *external* jurisdiction before his conversion, it was no less its right and duty to continue to exercise it afterwards. Nor in fact, as Mosheim subsequently observes, and as may be gathered from the decrees of numberless councils, was the Church really debarred, even by the arrangement thus made by Constantine, from making decisions concerning things that relate merely to the *external* form and government of the Church. It is true, as Mosheim also states, that succeeding emperors often undertook to determine matters purely ecclesiastical, and which belonged to the *internal* jurisdiction of the Church ; but this was a manifest usurpation, as directly contravening the tenor of Constantine's own arrangements. At the same time, in speaking of Constantine's policy towards the spiritual community, it must

not be forgotten that, if he interfered in the external jurisdiction of the Church, he also gave a great share of civil jurisdiction to the bishops. It is well known that previously to the time when Christianity was tolerated, the bishops had from a very early period adjudicated by way of arbitration in civil matters between contending members of the Christian community. For in compliance with the remonstrances of the Apostle in the sixth chapter of his second Epistle to the Corinthians, Christians abstained from bringing causes of the kind before heathen judicatures, and resorted instead to the decision of the bishop, the acceptance of which by the contending parties was of course purely voluntary. Constantine, however, gave to these decisions the force of law, and directed the judges of the empire to recognise them as valid and binding. We may well suppose that this privilege would tend to reconcile the bishops to the interference of the emperor in the external affairs of the Church, although the arrangement was in the sequel most unfortunate, as destroying the voluntary nature of this kind of civil judicature, and as conducing to the secularization of the episcopate, and to that confusion of civil and religious things which afterwards took place. What has now been said may be sufficient to illustrate the general principles of the policy, which the first Roman emperor, professing Christianity,



pursued towards the Christian Church. It may be worth while to consider also briefly two of the more important instances in which Constantine put this policy into practice; the part, namely, which he took in reference to the schism of the Donatists, and, subsequently, with regard to the famous Council of Nice.

It will be foreign to the present point, to enter into any detailed account of the unhappy and discreditable dispute which arose with reference to the appointment of a bishop of Carthage, which was termed the Donatist Controversy. Suffice it to say, that one of the parties, ready as parties are in all ages to resort to any probable means for obtaining success, invoked the interference of the emperor Constantine. By him the application was received with a reluctance expressed in the strongest terms,\* and the decision of the dispute

\* According to the account given in the "*Gesta Purgationis Cæciliani et Felicis*," as quoted in the "*Case of the Regale, &c.*" the Donatists were the first to appeal to the secular power in an ecclesiastical cause; but Constantine at first refused to accept their appeal, as not belonging to him. And in an epistle he wrote on that occasion, he owned that the power of electing bishops and of *judging of them* was only in the bishops. Further, he declared that he was to be subject to their judgment, (in ecclesiastical matters), that it was a work of the Devil, and an outrageous fury in these Donatists, whom he called "*proditores*," traitors, to refuse the judgment of the bishops, which he styles "*the heavenly judgment*," and appeal to him for his judgment. And he calls this insulting God; and the judging of ecclesiastical matters by the civil authorities "*an adding to the word of God.*"

was referred again and again to certain bishops of his selection, and then to the celebrated Council of Arles; but the ardent Africans showed themselves little inclined to accept the award, although each of the successive tribunals agreed in the terms of it. The emperor, much vexed at the continuance of the dispute, and the disturbance which it caused to the public tranquillity, commissioned the prefect of Africa to arbitrate between the contending parties. But the award of this officer availed no better in the termination of the controversy; and in the end it produced a rancorous schism, which continued for two hundred years.

Such, then, briefly stated, are the facts of this oft-quoted precedent for the interposition of the civil power in the settlement of a controversy relating to a matter of ecclesiastical discipline. But the inapplicability of the precedent to the case of Anglican Erastianism, will be manifest from the following considerations. The interference of Constantine was not of his own seeking, but was invoked, much against his will, by one or both of the contending parties; and he endeavoured to confine his interposition to a reference of the dispute to the free decision of the competent authorities, the bishops of the Church. "Constantinus," says St. Augustine, who lived in the same century, and was a bishop in Africa, "*non ausus est de causâ episcopi judicare.*" Surely, *his* con-

duct has not been followed in England. Again, each of the contending parties *reproached* the other for invoking the interference of the emperor. The Donatists bitterly inveighed against their adversaries on this account; "What have Christians," said they, "to do with kings, or bishops with palaces?" Yet Donatus himself appealed afterwards to the emperor; and the same accusation was retorted by his opponents. Thus each party, in reproaching the other for the same line of conduct, condemned itself, and each virtually protested against the interposition of the temporal power in a cause of the kind. Now, it is plain, that a protest against the exercise of an authority, made by competent parties, is as good a presumptive argument against its propriety, as the exercise itself is a presumption in favour of it.

The other great precedent in favour of imperial supremacy is drawn from the circumstance, that Constantine called the ecumenical Council of Nice. But he called it probably at the desire and evidently with the concurrence, of all ecclesiastical authorities; and it was attended by the bishops and their assistants not only voluntarily, but with a zealous ardour. Constantine simply gave the Church an opportunity, which, under that jealous and centralising despotism, without his concurrence it could hardly have had, of expressing its collective judgment on a matter of

controverted doctrine. His conduct at the Council showed that he carefully disclaimed any interference whatever in the judgment of spiritual matters. He attended it simply as a witness, and that after asking permission to be present. It was presided over by Hosius of Corduba, and two other bishops. Now, had Constantine and the bishops at Nice regarded the emperor as rightfully supreme in all spiritual and ecclesiastical causes and things, it is plain not only that he would have needed no permission to attend, nor have attended it simply in the character of a witness, but that he would have authoritatively *presided* in the Council either personally, or by deputy, as Henry VIII. did in the English Convocation of 1533 by his impudent minion Cromwell, who, in his *quasi* spiritual character, took precedence of Archbishop Cranmer and his brethren.

But, further, it is plainly non-essential to the character and mission of the Church Catholic, that its bishops should meet in an *ecumenical* council. The meeting was a new and extraordinary *expedient*, probably a very valuable expedient, for meeting a particular exigency ; it was not essential to the functions of the Church. It was an expedient which manifestly could not be applied without the consent of the autocratic ruler of the Roman empire. There was no arrogation of a right on his part to exercise its functions, or

to suppress or supersede its jurisdiction. The Church had frequently met in various councils of a smaller extent before the conversion of Constantine, and with as good a *right*, as when the emperor himself summoned the great Synod of Nice. Surely, if the circumstances of this council are considered, and the part assumed by and assigned to the emperor at that council, no argument can be drawn for the interference of the State with the legitimate and spiritual functions of the Christian Church. Surely, Constantine's act in calling the council of Nice, cannot be viewed as a precedent for suppressing all synodical action!

Furthermore, since the words or the acts of the earlier Christian emperors are thought to have much weight in the present question; let us remember the language which this Emperor Constantine himself, and some of his worthiest successors, held on this point. He expressly disclaimed any right or intention to influence the decisions of the assembled bishops,—or anything to do with the definition of doctrine, which he declared he was to receive from them, not they from him. As to the sentiments which Constantine and others of the earlier and more illustrious emperors entertained and expressed, with regard to their relations towards the Christian Church, it may be sufficient, both for brevity and autho-

rity, to employ the statement made by the learned bishop Beveridge, in the preface to his work on Councils.\* “Si autem de fide loquamur Christianâ et legibus ad ecclesiasticam spectantibus disciplinam, ipsi etiam Imperatores Christiani ingenuè multoties professi sunt, *nihil sibi juris in istius modi sancendis legibus tributum esse*. Sic Constantinus magnus, Valentinianus, Marcianus, Theodosius, aliique, quorum verba alibi retulimus. Quin ipse etiam omnium peritissimus legum Imperator Justinianus in eâ fuit sententiâ leges nempe civiles non præcedere debere sed sequi ecclesiasticas. Hinc est quod etiamsi Imperatores multa de ecclesiasticis personis et rebus in constitutionibus suis ediderint, nihil tamen *de novo* constituerunt, sed ea tantum quæ ab ecclesiasticis synodis prius *constituta fuerant*; ipsi suâ etiam auctoritate *confirmarunt*.”† And it is very worthy of remark, that the first emperor who transgressed the principle here laid down, and interposed in matters of a directly spiritual and doctrinal description, was the Arian Constantius, who among other violent acts of usurpation upon the rights and liberties of the Church, proceeded

\* Prolegomena Synodicon.

† The language held by Justinian in his “Novels” is as follows: “Sancimus igitur *vicem legum* obtinere quas a quatuor sanctis conciliis expositæ sunt aut firmatæ. Prædictarum enim quatuor synodorum dogmata sicut sanctas scripturas et regulas sicut leges observamus.”

to banish orthodox bishops, and to intrude Arians into their sees. In what light this conduct of Constantine was regarded by contemporary ecclesiastics of authority and note, and on *what principles* they protested against his dealings with the Church, may be seen from the urgent remonstrances addressed to him by Athanasius and Hosius, the venerable bishop of Corduba, which will be found in the Appendix of this work.\* From these remonstrances, addressed in a spirit of holy intrepidity and firmness to an arbitrary and powerful sovereign, it will appear how grave an usurpation upon the rights and functions of the Christian Church was, in their view, committed by the presumption of Constantius in making himself a judge in spiritual causes. With regard to the conduct of the same emperor, in depriving orthodox bishops, and establishing in their places bishops who supported the Arian heresy, the light in which this act of imperial power was regarded in the Church at that time, may be perceived from the following remonstrance, addressed by the famous Hilary, bishop of Tours, to the persons who had thus gained their elevation to episcopal seats: "O ye bishops, I pray you what were the suffrages which the apostles made use of? Did they receive their dignity from the palace?" Constantine the Great himself re-

\* Appendix B.

nounced any claim to appoint bishops. Writing back to the bishops who were assembled at Antioch for the appointment of a bishop, he leaves the choice freely to them, and desires them that "the election should be made according to the rule of the Church and the apostolic tradition." And the emperor Valentinian, about the year of our Lord 347, upon the death of Auxentius, bishop of Milan, called the bishops together, and desired them to choose such a bishop for that see, as might, both by his life and doctrine, instruct those whom he was to govern; and "that he might see such a person set up, to whom he that held the empire might cheerfully submit himself." Similar was the view entertained by one of the most illustrious of the earlier Christian emperors, Theodosius the Great, who reigned shortly after Valentinian. Another vacancy having occurred during this emperor's reign in the archiepiscopal see of Milan, the bishops of the province, with whom, together with the clergy and people of Milan, it rested according to custom to supply the vacancy, yet with the view probably of gratifying the emperor, applied to him to nominate a person who should be consecrated to the see. His answer was, that they were fitter persons than himself to determine the proper qualifications for the office in question, and that it was their business to look to it.



The writer will pursue no further the historical question of precedents for any such exercise of the regale as is involved in the existing relations of the temporal constitution and the Church in England. The citations he has made on this point are confined to the earlier period of established Christianity,—a period which is manifestly more likely to be important in the present question than any subsequent period, and the period to which accordingly those who contend for, or justify, or defend our present status, as either right or allowable, chiefly resort for authoritative precedents. The subsequent history of the Church presents many interferences, either of an openly violent character, or in a legal form or description, with the functions of the Christian Church,—but it will be found, that these often, if not always, were occasioned by either the servility, adulation, or timidity, or time-serving expediency, or ignorance, of ecclesiastics, who are no more free from these weaknesses and vices than others bearing the Christian name, and in a large proportion of instances by the unscrupulous ambition and self-aggrandisement of the Romish see, which, in the various compacts it formed with kings, (in which it always assumed a plenary right to deal with the interests of the Church as its own), was always contented to yield up a portion of the Church's rights to kings, for

the advancement of its own secular or spiritual dominion. Surely then, these various facts springing from such causes, cannot be advanced as justly favouring the State's exercise of spiritual authority. It is a false principle, by which what was at the time considered an outrage, becomes in after-times a precedent. A blind and indiscriminating reverence for antiquity must produce infinite error both in opinion and practice.

To resume the argument before us ; the writer has now endeavoured to meet the objections founded on historical precedent, against the assertion, that the present relation of the State to the Church in this country is an usurpation,—and he has asserted and endeavoured to show that, although the historical ground can at best but furnish a very slight presumption either way, the presumption it does furnish is favourable to the point for which he is contending. In other words, he has endeavoured to show that historical precedents, so far from proving that the present supremacy of the State over the Church in England is not an usurpation, furnish a presumption that it is. At the very least, he contends that the facts quoted on the other side of the argument, are amply neutralized by abundant facts of a contrary bearing.

That it is an usurpation, another proof, though

of a moral kind, may be offered. Surely State-interference in the regulation of the spiritual affairs of the Church, must presumptively have something very evil and malignant in it, when so many religionists, among whom have been numbered the most illustrious characters, have protested against it in the face of arbitrary temporal power, often at the risk and sometimes the cost of goods and of life itself; and these men living at different ages, of different religious communions, and of different sentiments in many other important respects. We see these protests in the remonstrance of Athanasius and Hosius against the usurpations of Constantius; and in the complaints made in after-times by Boniface, Archbishop of Mentz, against the interference with ecclesiastical elections made by the immediate predecessor of Charlemagne, a pressure, as it was then accounted, which the latter prince took off in a great measure; and which his son Louis the Godly still more abated by restoring those elections to their ancient freedom. The principle of the Church's spiritual independence is again contended for in the dispute concerning investitures both in England and in Germany, and in the opposition made by Gregory VII. and other ecclesiastics of his time, and afterwards by the pious Anselm, to the practice by which kings, taking advantage of the temporalities which their predecessors had attached to the sees, virtually

disposed of bishoprics in their dominions. The contest of Becket with Henry II., though in one respect involving an untenable yet prescriptive claim, and that of a temporal nature, on the archbishop's part, turned upon the very principle in question, the liberty of the Church.\* The opposition to King John arose partly from his tyrannical interference with the freedom of ecclesiastical elections, as it would appear from the famous Charter which was extorted from him at Runnymede, this very matter put forward first in order: "*Ecclesia Anglicana sit libera, et habeat jura et facultates suas illæsas. Libertatem electionum, quæ maxima et magis necessaria videtur Ecclesiæ Anglicanæ, concessimus, et hanc chartâ nostrâ præsentî confirmavimus.*" The "concession" to which this faithless monarch alludes was contained in a *previous* charter to the Church for the liberty of elections of bishops and abbots, which, from the important testimony it bears to the views both of ecclesiastics and laics at the time, is given at length in the Appendix. The principle of the Church's independence was deemed of sufficient importance to the interests of Christianity for the holy Bishop Fisher and the upright and wise Sir Thomas More to die for it rather than deny it. Many other persons of less

\* See pp. 391—2 of Froude's Becket.

note than these two eminent men underwent the punishment of death in one of its most cruel forms for refusing to assent to the pretensions of the same despotic monarch, who carried his assumption of spiritual rule even beyond the limits of papal usurpation, and enforced it by continued bloodshed. And although many of these sufferers in the Church's cause mixed up with it the question of *papal* supremacy, yet it must be observed that, though in so doing they erred, as the writer in common with all Protestants holds, in their *application* of the principle, the principle for which they suffered is substantially the same as that now contended for—the spiritual independence of the Christian commonwealth. Many also of the favourers of the Reformation, strenuously as they exerted themselves in the exposure and defeat of the claims of papal dominion, were scarcely less earnest in upholding the principle of self-government and independence in the spiritual community.

Thus Ecolampadius, one of the most eminent of the Swiss reformers, to use the words of Dr. D'Aubigné, the historian of the Reformation, “in separating from the papacy, desired not to set up the magistracy instead.” “The magistrate,” said Ecolampadius, “who should take away from the Churches the authority that belongs to them, would be more intolerable than Antichrist him-

self (meaning the pope). The hand of the magistrate strikes with the sword, but the hand of Christ heals. Christ has not said, "if thy brother will not hear thee, tell it to the magistrate," but "tell it to the Church." The functions of the magistrate are different from those of the Church.\* Beza also maintained the principle of ecclesiastical independence, and himself first wrote against Erastus. The hostility of Calvin to the domination of the civil power in ecclesiastical affairs is well known; as is the fact, that in the reformed communion, modelled on his theory, the spiritual power was distinct and independent of the secular. The same hostility to Erastianism was exhibited by those legitimate representatives of Calvin's views in England, the Puritans under Elizabeth, James I., and Charles I. Many of them suffered death or persecution in other forms in Elizabeth's and James's reign for their assertion, open or covert, of this principle in opposition to the sovereign's lofty claims of supremacy; and one of the greatest reproaches which they cast upon the conforming Church party in Charles' reign was that of ERASTIANISM. The same principle has always been contended for by the Scot-

\* D'Aubigné's *History of the Reformation*, vol. iv. pp. 330, 331. The whole passage is worth reading on the present point. To the Erastianism, which mingled with the Reformation in Switzerland, M. D'Aubigné ascribes its hindrance in that country.

tish Kirk, and the more earnestly in its more zealous days. And in our time we have seen the assertion of the same identical principle exemplified in the renunciation of their position and emoluments by a large number of the ministers of that communion, containing among them the very flower of the ministry, and numbering some of its brightest ornaments, while more than one-half of the laity shared in their sentiments. In this secession of the Scottish Non-intrusionists may be seen an assertion of the same principle, though in a different form, as that for which the opponents of feodal investiture in the middle ages contended,—a circumstance to which one of the most distinguished of the Non-intrusion separatists witnessed, I mean Dr. Candlish, when he urged that the cause for which he and his brethren contended “contained in its marrow the pith of ages.” I need not add that the whole Dissenting body in England agrees, with their multifarious differences in other respects, in asserting the principles of ecclesiastical liberty and self-government, and in objecting to the Church of England, as a body subservient to the State, or as a branch of the State establishment.\*

\* The fact that, upon the point of ecclesiastical rights and liberties, there has been a singular consensus among communions, in other respects the most opposite, is remarkably confirmed by the weighty authority of Mr. Hallam, who, though in a hostile spirit, couched in his own phraseology, makes the following observations on the subject. “It ought always to be remembered that

The same principles are entertained by many foreign Protestants at the present day. M. D'Aubigné may be regarded as a fair representative of their views in the matter, when he employs the following expression in evident reference to the Church of England among other reformed communities: "Many Protestant Churches, depriving the pope of the supremacy he had usurped, consented that the magistrate or the king should take upon him that jurisdiction, and *thus maintain, under another form, that* confusion of civil and religious things which is to be found in Popery." That the different communions and religionists, who have thus in different ages and in different forms and modes advocated the principle in question, often did so with a considerable mixture of human error and passion, must undoubtedly be allowed. But the same observation applies to the advocacy of all great principles which have strongly interested and agitated the human mind. The principles of the Reformation itself, important as they are, were, in many cases, propagated by men who held the truth with much *ecclesiastical*, and not merely *papal*, *encroachments*, are what civil governments, and the laity in general, have had to resist. The latter arose out of the former, and, perhaps, were in some respects less objectionable. But the true *enemy* is what are called high-church principles; be they maintained by a pope, a bishop, or a presbyter."—*Middle Ages*, vol. i. p. 54. The present writer merely quotes Mr. Hallam as an authority in a matter of fact, not of opinion.



mixture of error, and whose zeal often sprang from interested motives, or was dictated by violence and passion.—Now can it be supposed that the principle thus witnessed for in different ages, and in different forms, and by sincere religionists otherwise so widely divided in their sentiments,—that this principle is unfounded in Scripture and in truth? Can it be supposed that so many pious, and, in their respective days, enlightened Christians, have contended for a shadow or a trifle? That so many have suffered the loss of all things, even of life itself, for a delusion? Does not the very fact of this various and competent testimony afford the strongest moral proof of the rights of ecclesiastical independence, and of the usurping and evil character of the State's invasion of the spiritual province?

On the other hand, a strong proof of the same kind is afforded by the anxiety which the keenest-sighted infidels have always shown in favour of Erastianism, and by the opposition which they have always raised to the asserted liberties of the Church. The sceptical philosopher Hobbes, regarding religion simply as a necessary device of state-craft, maintained not only that the Church ought to be governed by the civil magistrate, but that its doctrines were to be laid down by him. Hobbes, in fact, carried out the principles of Erastianism to their full extent and their logical

conclusion; for if it be true that the discipline and polity of Christianity may be dealt with in any way that may seem to suit the requirements of political expediency, it will equally be true that its doctrines may be moulded to the same end, since both the doctrines and the discipline of Christianity stand upon the same footing of Divine authority. It is a truism to remark upon the amount of good which may be extracted from all things evil, both in the material and the moral world. This truth is remarkably exemplified in the works of the great masters of English infidelity. The principles from which they start serve as beacons to warn men of the falsehood and danger of the consequences drawn from those principles. To all sincere Christians, rejecting as they do with abhorrence the doctrines these writers propound, the bare fact that they have advanced any particular view of ecclesiastical polity suggests, at least, a strong presumption and suspicion that that view is unsound and hostile to Christianity. Employed in this way, even the works of some of our infidel writers may be turned to good account, and made to serve the cause of Christian principle and truth. Any practice or position which they applaud, is *probably* adverse to the interests of Christianity, especially as they possess an almost intuitive discernment of what is conducive to those interests, or

the contrary. And in reference to the question before us, it is well worthy of remark that a great number of the ablest promoters of infidelity have been loud and unanimous in advocating the subjection of the Church to the civil power. Such, at least, was the case with a number of leading writers of this class belonging to the reign of Anne, whose works were text-books of infidelity in the eighteenth century. Accordingly, Swift, in his reflections on Bishop Burnet's History of the Reformation, notices in the following sarcastic terms that political prelate's sneers at the lower house of Convocation :—"I am not surprised to see the bishop mention with contempt all convocations of the clergy, for Toland, Asgill, Monmouth, Collins, Tindal, and others of the fraternity, talk the very same language."

To illustrate the bitter hostility with which these masters of infidel scoffing regarded the claims of ecclesiastical independence and authority, some specimens shall be given of the sentiments of perhaps the most eminent of them, the author of the once notorious work, "Christianity as old as the Creation." This writer, having in the reign of James II. exchanged the Anglican for the Romish communion, and, on the dethronement of that monarch, renounced the latter profession; next employed himself in attacking the faith and polity of Christianity. Among his

performances on the latter branch of his subject, are two, entitled, "The Rights of the Christian Church, asserted against the Romish and all other priests who claim an independent power over it," and a "Defence" of that work. These two works, from their literary merit and boldness, attracted considerable notice; insomuch that they were ordered by the House of Commons to be burnt by the common hangman. In his "Rights of the Christian Church," as he styled the publication, this writer, according to Swift's representation of the contents of the book, lays down such doctrines as the following, that "religion, Church, Christianity, is a perfect contrivance of the civil power,"—"that the independence of the Church is an *imperium in imperio*,"—that "because of his supremacy, the king is the most spiritual person in the English Church,"—and that "the clergy have no divine right to make laws for the Church, *because* Henry VIII., Edward VI., and Elizabeth would not permit them,"—while the statute of Henry VIII., called the Submission of the clergy, which delivered the Convocation bound hand and foot to the Crown, is the favourite ground upon which his attacks on the spiritual power are based. So far as the present writer has examined this long forgotten work, he can testify to the correctness of Swift's account of its arguments; and he has made the following quotations from the work itself. At page 226-7 he observes "A

clergyman by the help of this profound learning, (school divinity), tho' he had taken the oath of supremacy, nay, tho' he had before his sermon prayed for the king as supreme head and governor of the Church, next and immediately under Christ, yet could in his sermon easily distinguish this away, and place the government of the Church in his own tribe, next and immediately under Christ, independent of all human powers whatever," and elsewhere, in speaking of the Church of England, he says, "that being established by Acts of Parliament, it is a perfect creature of the civil power." From these few specimens of one of the most eminent of this class of works, we may gather how violently these acute infidel writers were opposed to all notions of ecclesiastical independence and authority, and that they were no less the champions of Erastianism than of unbelief. This circumstance must be regarded as one of the strongest moral proofs of the repugnancy of Erastian principles to the interests of Christianity. A proof no less cogent than this is afforded by the fact, that the infidel statesmen of the great French Revolution carried out into practice the same principles as those which were thus maintained by our English sceptics, (the fathers of the infidelity of the 18th century,) in their celebrated "civil constitution of the clergy," and the oath of submission thereto, imposed upon the clergy by the revolutionist

assemblies. The refusal to take this oath by the majority and the flower of the Gallican clergy, the consequent distinction which was made between *sermenté* and *insermenté* priests, and the cruel and sanguinary persecutions which the latter underwent in consequence of this refusal, are well known to all who have traced the annals of that terrible period; and the reflection is suggested, that in the single point of actively endeavouring to subject the Church to the civil power, tyrants like Henry VIII., and democrats such as Robespierre and his colleagues, meet and are strangely agreed; even as the advocates of despotism, like Hobbes, and the assertors of revolutionary doctrines, unite in their hostility to the claims of ecclesiastical liberty. The point, however, to which attention is now called is, that infidel writers and politicians are universally hostile to these claims—a circumstance which to reflecting Christians will furnish a strong moral argument, not only for the importance of those claims to the cause of religion, but also for their Divine authority and truth. In fact, the question whether Erastianism is not evil may safely be staked on this issue, whether an acute and candid infidel writer would be reasonably expected before-hand to advocate the spiritual independence of the Church, or the predominance of the Erastian system? The extreme probability which exists that he would advocate the latter, is rendered

almost a certainty by the fact, that the leading infidel writers of the last century, as we have seen, have actually been among the most zealous supporters of Erastianism, and that one at least of the ablest of them has made the prevalence of it in the Anglican system one point of his attack upon the Divine origin of Christianity.

The writer will now recapitulate his argument on this part of the subject. The point he has endeavoured to illustrate is that the subjection of the Church to the State, such as exists in England, involves a direct usurpation and wrong. This he endeavours to show from the nature of the case, and the authority of Scripture. He then has endeavoured to answer the objections to this statement, which are grounded upon Scripture and ecclesiastical usage in the earlier ages of tolerated Christianity under the Roman empire. He has then continued his own argument, and adduced as favouring his view the opinions of sincere and enlightened religionists of different ages and of various religious communions down to the present day. And lastly, he has inferred from the advocacy always rendered by infidel writers to the supremacy of the civil power, that such supremacy is contrary to the dictates and interests of Christianity. All these considerations he submits to the reflecting reader, as illustrating the position he has laid down that Anglican Erastianism is in itself an evil.

## CHAPTER III.

### THE EVIL EFFECTS OF ERASTIANISM UPON THE CHURCH OF ENGLAND.

HAVING in the preceding chapter endeavoured to point out, that the prevailing Erastianism in the Anglican system, is a state of things involving sin, both of usurpation and treacherous compliance, the writer will proceed to point out that it is evil and injurious in its effects upon the Church—a position which will be readily granted both by many of its members, and by conscientious dissentients from it, and which will appear necessarily to follow from the position which the writer has before endeavoured to establish. The writer, however, will first premise that he is well aware, that an argument from effects is always peculiarly open to the exception that the effects proceed from other causes than that to which they are attributed, and that it is arguing against a principle from its abuse. He will therefore at once state, that in his view, the argument from the effects of a principle alleged to be evil, is of far inferior conclusiveness and relevancy to an argu-



ment, proving that the principle *is evil in itself*,—and that it is on the former that he principally relies in the present matter. If a thing be morally evil in itself, it is indeed a matter of faith, and even experience, to believe that its effect will be bad, even though appearances of partial good may attend its practical working. Whereas, on the other hand, that a principle works ill under certain circumstances and conditions, is no conclusive proof that the principle itself is evil. He therefore does not consider that a proof of the evil effects produced by working of the Erastian principle, is conclusive in proving the evil of that principle. But as it is to be presumed beforehand, that an evil principle will ordinarily work visible evil; and as much stress is laid in these days on this the practical test of the soundness of a principle, he feels no difficulty in urging this point of the argument. If the Christian faith was originally established under organic laws and a constitution of its own, any subsequent deviation from those laws and that constitution, and any substitution for them of human-devised methods and schemes of State-policy, must operate detrimentally upon the interests of that faith itself.—In defence of the present relations of the Church and State, it has been authoritatively propounded that its object is to make the State religious. The writer, on the

contrary, would argue that its effect has been to make the Church secular. And that this effect has been produced is testified, not only by its adversaries, but by its best members. The Church was treated both by governments and parliaments as a mere creature of the State, and branch or function of the civil establishment, often as an engine for political purposes, so it very naturally came to be extensively regarded in no higher light. Hence the high and sacred nature of the ministerial office was greatly depreciated, and the office itself came to be regarded rather as a worldly "profession," than as a spiritual calling, and the clergy, at the best, as useful links in the social chain, promoters of civilization and public order, the appointed teachers of loyalty and civil obedience, a sort of "moral police," rather than as ministers of Christ; while the laymembers of the Church came to be implicitly regarded as no members of the Church at all, as may be inferred from the common use of the term "going into the Church," for taking holy orders. To the low view of the ministerial office in the Church, caused by the secularity introduced into it, is owing, among other things, the constant practice of selling, even by auction, the power of appointing clergymen to particular spheres for the exercise of their ministry, or, as the phrase is, to *livings* in the

Church. And (though in this matter great improvement has been effected by the joint operation of opinion, envy, and statute law), the accumulation of benefices in the hands of individuals was thought as allowable as that of numerous appointments in any other "profession."

. But I will not dwell further on this point. What I would bring under the consideration of all reflecting men is, that the civil government among us, in its exercise of the power it has assumed over the Church, almost of necessity looks more to the real or supposed interest of the State than to that of the Church. If it does not exert itself of deliberate purpose (as some of our governments have done) to the express detriment and depression of the Church, it will neglect its interests in comparison. State-governors of the Church will, in fact, govern the Church in the interest of the State or of a party in the State, rather than in the interest of the Church herself. So were it to be expected; nay it would have been a matter of great surprise had it been otherwise. State-rulers, though accidentally governing the Church also, are *primarily*, by their very name and office, rulers of the State; and to the State will they deem their first duty to be owing. Not, indeed, that the true interests of the Christian Church in any land wherein it may sojourn can be really adverse to the true interests of the State

and community; on the contrary, it may be assumed as a matter not only of faith but of reasonable conviction and experience, that what conduces to the good of the Church, must in reality, in the long run and upon the whole, tend to the prosperity of the community also. But, then, statesmen are not ordinarily the best qualified judges of what will conduce to the probable interests of the Church; nor, indeed, sufficiently at leisure, nor, as experience has shown, becomingly zealous, to study those interests. Besides, the interests of the Church may often under circumstances *appear* to run counter to those of a political nature; and statesmen are usually from their necessary training and habits of thought, too one-sided in their views to perceive the tendency to benefit the State inherent in what is wisely proposed for the good of the Church.

The reader may recollect the answer, which Sir Robert Walpole, himself a despiser of all religion and of the Church, which as prime minister he governed and employed as a political engine, gave to those American Churchmen who applied to him to allow bishops to be appointed in the colonies, which now are the United States. "What will be the use of it?" asked this first lord of the treasury. And when the colonists intimated in their reply that it might tend to "the good of their souls," this State-governor of the Church unhesitatingly re-

joined, with an impiety which the worst *Church-governor* of the Church would hardly have dared to exhibit, "D—— your souls—grow tobacco!" The motive which dictated this refusal was that jealousy of the influence of the Church which, as Warburton\* has shown, was a main part of the policy of that time; and the refusal to grant Episcopacy to the American congregations was repeated, though not in similar terms, by successive premiers of England. But the sequel has shown how erroneously even the political calculations of the astute Walpole were based; for it is very generally admitted at the present day by American as well as English Churchmen, on apparently good grounds, that had Episcopacy been then introduced into the American colonies, it would have so strengthened a Church which inculcates loyalty as not the least of Christian duties, and have kept up so much sympathy in the hearts of American Churchmen for their brethren in England, that that violent spirit of disaffection would probably not have extended, which led to the angry disruption of those noble colonies from the mother-country. And it may be observed in passing, that if any guidance is to be derived from the lessons of past experience, the British Crown and Parliament at the present day would be prudent, as well as just, in conceding to the

\* See Appendix D.

Church in our colonies those due facilities for perfecting her organisation, by which full scope would be given to her energies, and greater success to her efforts,\* as well as satisfaction to the earnestly expressed longings of multitudes, both of her clergy and attached lay-members. But to return.

In the instance above quoted, the interests of the Church were openly sacrificed to the supposed interest of the State. This, however, is but a single instance of the preference shown, and naturally shown, by political rulers of the Church, for the interest of the State in the mode of dealing with ecclesiastical matters. It is to the *systematic* following of this method that the attention of the reader is called.

One of the most important particulars wherein what is termed the royal supremacy, but which virtually in this case is the ecclesiastical power of the minister of the Crown, is the appointment, by virtue of Henry VIII.'s statute, to vacant bishoprics. In making these appointments, hardly any instance is to be found of a prime minister looking, in every case, solely (as surely he ought

\* No one can read the Journal of the Bishop of Melbourne's Visitation at the "Diggings" in his diocese without finding in it a strong exemplification of this assertion. The bishop, returning in great discouragement at the ill success of his own communion among the multitudes engaged in the search of gold, as compared with that achieved both by Romish and other religious bodies, ascribes it to the possession by those bodies of that full organization and free action which are wanting to the Church.

to look), or even primarily, to the best interests of the Church. The weighty responsibility involved in such a power needs no comment : but so paramount in the eyes of statesmen are political interests and objects, that this responsibility appears to have been but little regarded by them in practice. No one can gainsay the assertion that in making these appointments, and the more so in the more *important* of these appointments, the Church's good *has* been postponed to the interests of political party, or at the best to the supposed interests of the State ; or which, in truth, is identical, that bishops are frequently appointed, among whose recommendations it is that they will subserve the jealous line of policy which the advisers of the Crown are wont to pursue towards the Church.

The effects produced upon the Church by this system of appointing her bishops from views of State policy or of party politics, are such as might have been expected,—injury to her interests and prejudice to her estimation. And this will be the more evident, if we consider how much the welfare of her different dioceses depends upon the personal qualities of the bishops, whose position necessarily gives them so much power of influencing for good the opinions, characters, and labours of the clergy, and the lives of the laity also placed under them. Let it be further remembered that disorders and

evils prevailing in dioceses are popularly ascribed wholly to the bishops and clergy, and not in great part, as it were just, to the governments also by whom the rulers of such dioceses have been successively appointed. And thus the Church suffers blame for the consequences of the inefficiency of bishops, whom she has not appointed, just as she is held responsible for the procedures of ecclesiastical courts, over which she has no control. Similar remarks will apply to the consequences of the similar method which has been pursued by governments in the disposal of the other ecclesiastical patronage of the Crown, including all of the deaneries, many of the other cathedral posts, and a considerable proportion of the parochial benefices of the Anglican Church. These have been constantly employed for strengthening the interest of political parties, either in gratifying noble or influential families or persons, or in rewarding political services, such as the management of parliamentary elections or the publication of able pamphlets. What effect this system has produced upon the spiritual vigour and the public estimation of the Church need not be stated.

Again, one particular of the supremacy conferred by the statute 24 Henry VIII. consists in the power, incidentally given therein, of preventing the Convocations of the Church of England from legislating at all for the Church. *Incident-*



*ally* given—for even that statute does not contemplate the total suppression of the active powers of these synods. The statute, indeed, ordains that they shall be summoned by royal writ, that they shall treat of canons by royal licence only, and that no canons or constitutions, which they shall make, shall be put into execution without the royal approval. But during the last 137 years occasion has been taken from this enactment, to prevent the Convocations from exercising any legislative power whatever, by withholding the royal licence to deliberate on any legislative measures. We need not enquire whether this power of suppression, so gained, has, during this period of time, been exercised with an exclusive view to the good of the Church; for it is notorious that this policy has been dictated by motives quite independent of any such considerations. Some persons, indeed, may assert that the *effect* has accidentally been beneficial at times to the Church; but the truth or falsehood of this assertion of course in no way affects the motives of that policy. Every one knows that the object aimed at in the first arbitrary interruption of the deliberations of the Convocation of the province of Canterbury, in the year 1717, was to protect from its apprehended censure the writings of a divine, who had secured the favour of the party then dominant in the State, by his

strenuous efforts in its behalf. The precedent thus established has been carefully followed by every successive ministry of every shade of political opinion, for the most part from reasons of a civil or political nature, though sometimes an anxiety for the peace of the Church may have been pleaded for the restraint, and the plea may have been supported by an appeal to the opinions of individual bishops, themselves nominees of the government. In truth, the regular suppression of the synodical functions of the Church is a part of that traditionary policy observed by governments, which is termed by their adherents, "keeping the Church under"—a policy which it need not be said excludes all notion of consulting either the wishes, or the rights, or the interests of the Church. Let it be candidly owned that the motive which has dictated this suppression of synods is the fear lest the Church should become too powerful! So that here is a restrictive line of policy pursued, without regard to the question of its justice, merely to prevent a possible inconvenience; a proceeding concerning which we may ask from what *codé* of morals are its principles derived? Even should a prime minister of more enlarged views, and with a stronger sense of right, desire to permit the Church to resume its synodical functions, he may be deterred from effecting his wish by the fear of losing political supporters.

But even supposing a minister to continue the suppression of synods, from a view to the Church's interest—let us ask, is a mere political functionary the proper judge? is he ordinarily likely to be the best qualified judge of what may be required for the good of the Church in this as in other matters? If he happens to be qualified for exercising such judgment, it is merely because it so happens. No considerations whatever of his fitness in this respect dictate his elevation to a high political station, to which a large share of power and influence over the Church is incidentally appended. The study of political questions, and the incessant struggles of party warfare have been the business of his life: and the temporary success of the party whose confidence he has obtained, raises him at length to the position to which this high ecclesiastical power is annexed. As the question of his fitness or unfitness has nothing to do with his elevation, so neither is his continuance in it affected by that question, nor his removal from it; and he may be succeeded by a rival politician more or less "friendly" than himself to the Church whose highest interests are entrusted to him, and more or less able to consult those interests, as the chances of political contention may cause it to turn out.

Such is the man, or the men, with whom it rests to determine when, or whether, the Church shall exercise her synodical functions, on what subjects she shall exercise them, to appoint her bishops, and to exercise an important portion of her patronage. Of such it may be safely asserted that they will ordinarily exercise, as they unquestionably have exercised, this momentous spiritual power rather in the interest of the State than of the Church; and that while spiritual power is universally held by Christians, upon the testimony of Scripture, to require not only high moral qualities and theological attainments, but even spiritual gifts, no guarantee whatever is taken, or indeed can be taken, that they who exercise this power in its highest attributes shall possess any of these requirements. The Crown, as it has been well observed, has both in legal theory and practice more power over the Church than in the State; and for the statesman who, by virtue of his office, may from time to time wield this power, no security whatever is given that he will be disposed to exercise this power duly, that is, with a single eye to the welfare of the Church; or that even if he happens to be so disposed, he will be able or qualified so to exercise it. This assertion is of course made quite independently of the question whether a prime minister of the Crown has a

right, in a moral or religious point of view, to this virtual supremacy over the Church; though the existence of any such right can scarcely be contended for in a case in which no special call and mission to a spiritual office, such as that of government in the Christian Church, is of course even pretended. But if prime ministers and their colleagues, though in some degree restrained by the decencies and responsibilities of their station, be no better qualified to act as governors of the Church; what shall be said of the qualifications of members of parliament for the work of ecclesiastical legislation, which in the absence of an authoritative synod they are occasionally called upon to undertake, and for conducting those frequent debates which spring up in that assembly on Church subjects? This is an assembly of laymen, of every religion and communion, it sometimes happens of none, and belonging to three different nations, and the affairs of a *national Church* fall within the scope of its wide-reaching cognizance. Men of politics, or of commerce, or of pleasure, elected not of course by the members of the Church, but by a money-qualified portion of the population of England, Scotland, and Ireland, elected on account of their political abilities, or their wealth, or family interest, or popular favour, without reference of course to their fitness for ecclesiastical legislation, for the electors them-

selves comprise every existing section and shade of religious opinion, while secular legislation and finance are to be the special business of the elected; such is the composition of the assembly which, as matters stand, makes all the laws which are made for the Church of England. The only difficulty in arguing that it is most unjust for such an assembly to legislate for the Church consists in the paucity, or rather the absence, of reasons to make out that it is just. Indeed the upholders of the practice appear to have abandoned the ground of argument in the case for that of mere will and power on their side. It is indeed indefensible upon any consistent theory of Church and State whatsoever. Surely this is a national and ecclesiastical monstrosity, and it must be the joy of infidels, the wonder or the scorn of Christendom. Often when a measure is proposed in this assembly for the good of the Church, it is arraigned by some of the members on this very account; while in all debates of the kind, contemptuousness, or indifference, or levity sometimes amounting to ribaldry, or, again, crudity of suggestion, prejudice, and, above all, mere ignorance, are exhibited in a greater degree than on any other class of subjects, to the just offence of Churchmen and the misinformation or depravation of the public mind. So false is the position (to take no higher standard of judgment) in which this assembly is

involved by its ecclesiastical debates, that the protest may be often heard from the lips of its more experienced members against "converting this House into an arena of theological controversy," or, as they really mean, against its occupying the province of an ecclesiastical synod; while the representatives of commercial interests will exclaim against the obstruction caused by such debates to the business of the House and the country. Well may the attached members of the Church shrink in all matters affecting her interests from having resort to such an assembly for the decision of questions however pressing, the removal of grievances however crying, or the making of regulations however necessary; and deem such a remedy worse than the disease; and for the sake of expediency, as well as of principle, prefer the inertness of Parliament to its activity in ecclesiastical legislation.

Again, from the predominance of the civil power in things ecclesiastical, the Church unhappily comes to be confounded in the popular estimation with the temporal constitution, and to be regarded as a mere branch or function of it. To this may be ascribed the comparatively slight hold which, as a national church, it has on the affections and reverence of the general mass of the people. It is an observation, founded on a just appreciation of human nature, that the poor

and uneducated portion of a community hate temporal power more than spiritual authority; and consequently the Church must be prejudiced in their eyes, when it is identified with the State. The totally distinct sanctions on which that authority rests are obscured in their perceptions; and they come to regard the clergy very much in the light of State-teachers, paid to inculcate upon them the duty of obedience to the laws. While those among them, who are able to discern between spiritual and temporal things, are the more disposed to regard the Church of England as a Parliamentary religion and an establishment of the State, and to join themselves to Non-conformist communions, all of which claim in spiritual things an entire independence of secular powers. This last consideration has doubtless led many, especially of the more educated classes, to desert the Church of England for that of Rome, in which the same principle of spiritual independence is asserted, and, in these kingdoms at least, enjoyed to the full.

But not only is the Church, to the great detriment of her character and position in the nation, thus identified with the State, at least in the popular estimation, but her cause, or what is often erroneously thought her cause, is also necessarily involved more or less, from time to time, in the contentions of political parties, and is made a



battle-post of this party, and an object of attack to the other. In illustration of this statement it may be observed, that the opponents of our temporal constitution have been generally hostile to the Established Church, as being in their eyes one of its departments ; and for the same reason, those who desire to uphold the civil government, are, as the term is, "friendly" to the Church. Hence it arises, that principles and questions of ecclesiastical discipline and even doctrine are ever liable, as in past times, to be interwoven with the disputes and struggles of political combinations, and are thus of necessity lowered in the estimation of those who take part in those contests, and of the nation at large. And from this intermixture of ecclesiastical and religious elements in our political party strifes, consequent upon the predominance of the civil power in our ecclesiastical polity, arises a powerful inducement to the clergy to mix in political controversies, and to take part in public affairs. For when State authorities interfere in ecclesiastical concerns, it is natural that the clergy should meddle, even to excess, in civil and political matters. That the clergy should take a considerable share in political affairs, seems a legitimate consequence of that confusion of civil and religious things which Erastianism involves ; and thus the late Dr. Arnold, the most eminent and consistent of modern advocates of Erastianism,

would have had the clergy to sit in the civil legislature.\* A proposition for this was actually made at a time in our history, when Erastianism, both in theory and practice, most prevailed, the reign of Edward VI.; and certainly, if the House of Commons is to legislate for the Church, a fairer proposition, or one more in accordance with the theory of representation, could not have been put forward. However, as it is, the clergy will often be disposed to mix deeply in these matters in other ways, from the desire of assisting to place in power that party whose policy they deem to be most favourable to the interest of the Church, to say nothing of other motives by which they may sometimes be actuated. Not that the clergy have not the same *right* as other educated classes in a free country to express their opinions with effect upon questions of public importance, especially on those, which through the existing intermixture of secular and religious powers and concerns, affect, though it may be even incidentally, the communion in which they are ministers: and although a prejudice is often raised against their taking a part in these questions, yet by a strange inconsistency, no objection is felt against a similar and even a more extreme line of conduct in this respect on the part of ministers of rival religious denominations, who in consequence

\* So it is stated in his *Life* by Mr. Stanley, p. 172.

of the same intermixture of ecclesiastical with political questions and interests, to which our constitution gives rise, are often impelled into the political arena by feelings of hostility to the established Church. Yet these discussions and strifes are of too engrossing a nature, and too adverse to that spirituality of mind, and abstractedness and elevation of thought, which are requisite to their high and awful calling, for it to be safe or beneficial for ministers of religion to enter much or deeply into them. But when they see, as they have often had occasion to see, so many questions of moment to their Church depending upon the success of this or that great political combination, and this in consequence of course of the existing confusion of civil and ecclesiastical concerns; they have an inducement but too powerful to take a more than fitting share and interest in the contention of parties. Thus, and in other ways, as it has been well observed by Mr. Baptist Noel, the existing relations between the temporal constitution and the Church have a tendency to render the clergy as well as their dissenting opponents, somewhat too political in their feelings and conduct. Of this effect as regards the clergy we have a striking instance in past days, in the admixture of religious with political questions, which led to the great Rebellion; and afterwards in the inveterate Jacobitism, which, to the great injury of

the spiritual interests of the Church, possessed the minds of a large proportion of the clergy in the reigns of William III., Anne, and the two first Georges. Of course such questions as the latter are not likely to occur again; but the hold which they took on the minds of the clergy, furnishes an illustration of the extent to which the Erastian system of England tends to engender the spirit of political partizanship in the minds of the clergy. And it is the same system which has led to the clergy taking so large a part in civil as distinguished from political matters in this country, to their being made magistrates,\* and thus being deeply engaged in the administration of criminal justice as well as other public business. So common is this practice, that its incongruity is hardly recognised at all. Yet it would be evident if the case were supposed of ministers of other religious denominations sitting as justices of the peace. But from the habits of thought produced by the Erastian system, the proper character of the clergy has been much merged in that of educated gentlemen.

However, the occasion thus given to the clergy, by the habits of thought naturally engendered by a prevailing Erastianism, of mixing too much in the questions and strifes which may agitate the political world and in business of a purely civil description, is of far inferior moment and malignity to the tyrannical yoke imposed

\* This practice first obtained in Edward VI.'s reign.

upon their minds by the ordinances of the civil power, requiring their express assent to its claims of ecclesiastical predominance, as a condition previous to the reception of holy orders, to the exercise of the ministry in any appointed sphere, and to the enjoyment of the maintenance attached to it by the pious beneficence of the ancient lords of the soil. It was not enough for the Tudor usurpers of spiritual functions to claim and exercise powers not inferior in exorbitancy to the Papal domination, which they for their own selfish ends had supplanted, or to fortify those powers by the appropriate sanctions of treason-law barbarities and premunire confiscations. With a refinement of suspicious tyranny, reaching to the consciences of their subjects, and clearly betraying a sense of the wrongfulness of their own claims, and a consequent apprehension that, in spite of all the terrors held out, those claims would be liable from time to time to be disputed by a clergy not previously pledged to the recognition of them, those sovereigns, with a state-craft not inferior to their arrogance, introduced the practice of making the solemn admission of the rightfulness of their ecclesiastical pretensions necessary to an entrance into the Christian ministry, and to the discharge of pastoral duties. The writer, on making research, cannot find, that even the semi-barbarian, Peter the Great, of Russia, when in apparent imi-

tation of Henry VIII. he declared himself head of the Church in his dominions, made it necessary for all the clergy of that Church in succession, to express their unqualified assent to the spiritual supremacy of the Czar. Nor is he aware that other sovereigns, as in Germany, in making aggressions on the immunities and liberties of the Church in their dominions, have required an acknowledgment of the justice and piety of their proceedings, from those whose functions they were superseding.

The evil effects on the Church of England resulting from this requirement, are great and manifold. It warps the consciences of the clergy when, leaning on some interpretation of their own or on the authority of others, they express assent to it. It destroys or impairs their claim of spiritual authority derived through the Church from her Divine Head alone. It places the clergy, and indeed all defenders of the Church, at an entire disadvantage in all controversy with the Romanists and with other opposing religionists, by whom this weak point is invariably seized.

The necessity of acknowledging the paramount ascendancy of the Crown over all ecclesiastical causes, things, and persons, imposed on the clergy at ordination, and on every entrance on a sphere of ministerial duty, inflicts a grievous violence on the consciences of those of the clergy, a considerable

proportion of the whole body, whose principles would incline them to maintain the Church's rightful independence in spiritual things; and it necessarily tends either to prejudice those, who at their ordination are not alive to the subject or to its importance, against such principles, or to lead them to shut their ears and minds to all controversy or reflection on the subject, and to treat it as a purely unimportant and indifferent matter, a "mere question of the forms of Church-government." As to those of the clergy who hold Anti-Erastian views, nothing assuredly can more tend to distort the accuracy of their moral perceptions than that they should be driven to adopt the subtle and disingenuous distinctions and refinements and the hollow sophistry, to which, as we have seen above, many of the "old divines" and modern theologians also are unhappily reduced in their efforts to soften, to explain away, to gloss over, to get rid of, the stern force of those expressions ascribing to the Crown the plenitude of spiritual and ecclesiastical power, to which candidates at ordination and presentees to benefices are required to express an unfeigned assent and consent. The case of such clergy is no better, in point of conscious satisfaction, than that of those, if such there be, who, while holding decided views of the Church's divine rights, yet should deliberately assent to statements in direct subversion of those

rights. And, if the sincerity of their subscription is impaired in any *one* particular, whether of greater or less importance, it is plainly manifest, that their moral and religious character suffers, and that they are deprived of that conscious sincerity and integrity so absolutely necessary to the proper weight of their character, and of their exhortations to repentance, holiness, and truth. True, indeed, that in times like those which are fast passing away, when the present subject, like many others of a cognate character, was almost forgotten, and when men took with little or no inquiry what they found established by foregoing custom, *this* evil effect on the minds and the moral weight of the clergy would less exist, and would be less felt. But in times like the present, when attention has been called to all these momentous subjects; when a flood of clear light has, from various and even the most opposite quarters, been thrown upon them; and when first principles on this and other subjects of practical moment have been generally recurred to, and the state of existing institutions has been tested by a reference to them; no endeavour to reconcile the terms of subscription with the truth on the present point can fail to produce scruples and misgivings in those who make such subscription, to the great detriment of themselves and of their usefulness in the ministry of the Church.



Thus much shall be said on the injurious effects produced upon the clergy, and so on the Church at large, by the requirement of Erastian declarations from her clergy. The extent of the detriment also inflicted on the claims of the Church to spiritual authority by the position in which she stands towards the temporal constitution and by the recognition, made by the clergy, of the *quasi* spiritual power of the Head of the State, must be no less evident to all ; for on this account any assertion of such authority in the Church of England is generally treated as untenable and inconsistent on the part of her clergy and attached lay-members also. Deriving their mission from the bishops, who in their turn derive their mission and appointment from the Crown, her clergy are regarded, to a great extent, as State-officials. While, in controversy with Romanists or other religionists, the clergy, and indeed all who undertake to plead the Church's cause, are invariably placed under the great disadvantage of having to vindicate the headship of the Sovereign and the ecclesiastical legislation of Parliament, by the employment of those subtle distinctions and sophistical refinements and, often, those irrelevant recriminations upon other communions, by which, as we have seen, the attempt is usually made to refute the charge of Erastianism. In truth, the position of the Church in reference to the temporal power, as compared with that of other religious

communities in the kingdom, is humiliating to her attached lay-members, as well as to the clergy themselves.

I proceed to describe the manifold injuries and impediments to the usefulness of the Church in this nation, accruing from the restrictions imposed upon her free agency and liberty. This point has been touched upon before in speaking of the discredit and degradation it brings on the character of the Church as a divine institution in the eyes of the population at large, by which a serious detriment is necessarily inflicted on her usefulness. Let us, also, consider how grievously that usefulness is impaired by the deprivation she suffers of synodical action through the power exercised over her by the State. She is hereby prevented from adapting her system to the religious requirements of the age, to the change which has taken place in her position, and to the alterations of times and circumstances; and from taking advantage of opportunities favourable to her interests. It is for *practical* purposes of improvement and edification that she chiefly requires free exercise of her synodical rights; and those rights being withheld from her, the purposes fail of attainment. Chiefly in consequence of the absence of an acting authoritative synod, Archbishop Whately, himself an advocate for the revival of convocation, has justly termed the Anglican Church "a Society

in a disorganised condition, with no settled and steadily administered government." It is well worthy of remark, that among the measures under the discussion of the convocation at the time when its sittings were suddenly interrupted by the arbitrary exercise of royal power, were some, the practical importance of which has been acknowledged, and which fruitless attempts have only of late been made to carry out effectually. Such were the amendment of the proceedings of the ecclesiastical courts; the prevention of clandestine marriages; "the making more effectual the 75th Canon relating to sober conversation in ministers," the 47th Canon relating to curates, and the 48th about licenses; the settling the qualifications, titles, and testimonials for orders; rules for the better instruction of young persons for confirmation; and the preparation of a form for the consecration of churches and chapels. But the sudden prorogation of the synod by the government, lest censure should be passed on the offensive writings of a court-bishop, prevented any of these measures from being matured and adopted. It is impossible to calculate the loss, in point of spiritual edification and discipline and becoming strictness of practice, which may have accrued to the Church and the religious interests of the people, merely through the prevention of the Convocation of 1717 from framing canons on these important sub-

jects: nor can we so much wonder at the extreme laxity and indifference which prevailed in the Church during the subsequent part of the eighteenth century, when we remember that there was no acting synod to keep alive the spirit of ecclesiastical discipline, though doubtless, other political causes also, such as are described by Warburton,\* contributed to produce the same melancholy effects.

The last time that the Anglican synods exercised the power of making ecclesiastical canons, which have been permitted to stand by the civil power, was in 1603; in other words, 250 years ago. During this long and eventful period of time, the great changes which have taken place in the religious opinion and feeling of the people, in ecclesiastical practice, and, above all, in the relative position of the State towards the Church, together with the organic alterations which have been made by positive statute law, have had the effect, as is well known, of rendering these canons, though still nominally and apparently part of the Church's code of law, in many instances either totally obsolete (the occasions on which they were made having passed by), or practically inoperative, or invalid in the eye of the civil law. For instance, there is a canon—the 77th of the number—which requires that schoolmasters shall re-

\* See Appendix D.

ceive a previous licence from the bishop of the diocese, or ordinary, before entering on their functions. This canon has been rendered nugatory by a parliamentary enactment for the relief of Dissenting schoolmasters, which, in fact, releases *all* schoolmasters from compliance with this requirement. Surely a canon, so utterly disregarded and unsuitable to the circumstances of the present day, ought to be removed from among the standing regulations of the Church of England. Again, the 114th canon ordains that popish recusants, i.e., Romanists refusing to attend Divine Service, be presented to the Ordinary, to be proceeded against by law ; this canon, which has been rendered inoperative by statute law, surely ought not to be suffered to remain the apparent law of our Church, and a standing monument of the intolerance of past days. Again, there are canons, the 9th and two following, enjoining that all who separate themselves from the communion of the Church of England, and maintain conventicles, shall be "excommunicated, and not restored till they repent, and publicly revoke such their wicked errors." These canons have been rendered no longer valid by the Act of Toleration of William III., which ordains that no one, on account of his separation, or non-conformity, shall be "proceeded against in the Ecclesiastical Courts." And there are many other canons which, though

not counteracted by statute law, have become virtually obsolete; canons bearing upon the immediate regulation of the Church's rites, ceremonies, and practice. Thus the 109th and three following canons require that churchwardens shall present, for a variety of charges there specified. This they can hardly do in these days; and if they attempted it, no effectual result would be achieved. And yet they are required to make a declaration, that they will perform their office "to the best of their knowledge and ability;" their office being of course presumably such as it is described in the canons of the Church. And an instance has occurred, within the writer's knowledge, of a churchwarden having been gravely called to account in a parish vestry for non-compliance with these canons, and having even been charged with perjury for neglecting them. Surely these canons ought either to be carried out into practice, or removed from the number. Another canon, ordaining that no parents shall stand as sponsors to their own children in baptism, is in some parishes carried out, but for the most part disregarded, and, probably, not known to exist. Surely either—a uniformity of practice, or an authoritative recognition of individual liberty in the matter, ought to be achieved by the modification of this canon. The same remark will apply to another of these canons of 1603, which re-

quires that none but communicants be admitted as sponsors, a canon which is generally disregarded, though in a few instances it may obtain or have been revived in practice.

On the hardship to the conscientious feelings of the clergy, which results from the incidental collision between the Toleration Act of 1688 and the 68th Canon, which relates to the use of the service for the burial of the dead, occasion has been taken to speak at length in a former part of this work. Suffice it now to observe, that the present operation of this canon is such as was not originally intended by the framers ; and that the circumstances under which it was framed were widely different from those of the present day. It is very generally felt and admitted, that this Canon, producing as it now does a promiscuous and unbecoming use of the service in question, calls loudly for a careful revision. Yet it cannot be altered but by the intervention of the authority which enacted the canons in question. There are many other canons totally inoperative, but it were tedious and superfluous to quote them.—It appears, then, that while there is a great number of canons either virtually or actually inoperative, and others partially enforced but greatly neglected, there is at least one which, from new and altered circumstances, has a very oppressive and scandalous operation. Surely the repeal or modification

of these canons, as the case may require, would be one of the most beneficial results of an acting synod of the Church. Inconvenience naturally must arise from a conflict between written law and established practice. The very fact of a number of canons lying as a dead letter, or of doubtful obligation, on this statute book, is assuredly an evil, as tending (which is actually the case) to bring the whole of this code of ecclesiastical laws into general neglect and even contempt, and as furnishing a handle of reproach for the Church's enemies to take hold of, by quoting them either as witnesses against the laxity of the Church's practice at present, or as containing erroneous or obnoxious principles, to which she appears pledged by the words of her canons, but which in practice she does not really maintain. It is, indeed, a monstrous injustice, of the very essence of unreason and tyranny, that a national Church should be positively restrained from rescinding canons which she no longer maintains, but for which, to the detriment of her character and usefulness, she is held responsible; or from making from time to time such new rules for the carrying out of her system as may be judged desirable and expedient.—In the present day, when so much is required of the Church to meet the exigencies of the times and the spiritual wants of an enormous population,



and to make up in all these particulars the arrears of the neglect of years, chiefly accumulated through the loss of synodical action, many practical additions and organic improvements are evidently needed in her system, and are indeed called for by many of all parties in her communion. But these cannot be legitimately effected without the instrumentality of her provincial legislatures. Thus it is felt on all sides, that the Established Church has very little hold on the masses of the industrial population of the larger towns; and that if that hold is to be increased or retained, some practical adaptation of her system to the purpose is absolutely necessary. It is felt, that by every measure of Christian zeal and wisdom, they must be drawn to love the Church, and be influenced by her teaching. Accordingly, it has been with obvious wisdom suggested, "make the Church services attractive;" and this by altering them in a few particulars, and by dividing them, or otherwise shortening them upon occasion. The necessity also is seen to this end, of a large increase of her ministerial labourers, qualified for dealing especially with the classes in question; and for this purpose the propriety is acknowledged of enlisting a greater number of members of the commercial and industrial classes in this great service and cause, as is done in other religious communities.

For this purpose some have suggested the restoration of the order of deacons to its primitive character, by which many zealous persons might be induced to employ themselves in her service for the instruction of the ignorant in Christian truth, and for bringing the healing and softening influences of Christian charity to bear on the wretched and the depraved, while they would not be compelled to relinquish their secular occupations in devoting themselves to the work of this ministry. Others, again, have advocated for this end the institution of an order of sub-deacons, to consist of persons of the same rank of life willing and able to labour effectively in the same field. While it might fairly be expected that even many sons of the Church possessing independent means of subsistence, and in higher classes of society, might under the influence of Christian zeal gladly join themselves to either of these orders in preference to seeking a higher grade in the ministry.

Such plans have been long and earnestly discussed by attached Churchmen, both clerical and lay, but of necessity *only* discussed, for kindling a greater amount of zeal, and directing it in a systematic form towards the instruction and edification of the large masses of the population now not only out of visible Christian communion in any shape, but even plunged in an ignorance

little short of heathen darkness. But none of these or other desired additions to the existing system of the Church, adapted to the pressing and peculiar exigencies of the times, can be legitimately or properly accomplished except by the medium of the Church in synod.

The introduction, by Parliament, of all these necessary measures of practical improvement, would still further compromise the Church, as it would involve an additional exercise of a power in her affairs, which morally and in reason does not belong to that assembly. Nor were it to be expected that a legislature constituted, as it is, of members of every religious denomination, and elected with no reference whatever to religious considerations (the electors, too, themselves acting simply in a political and not in an ecclesiastical capacity), that such an assembly would take upon itself (even if it were duly competent for such a task) to discuss questions of religious discipline, rites, and ceremonies, often necessarily involving questions of religious opinion and doctrine, or to make regulations on the several subjects—subjects necessarily so alien from their ordinary legislative avocations, and to the treatment of which so strong a repugnance is naturally felt, and frequently expressed by the most experienced members of that body. If, therefore, the practical and organic improvements,

to which I have alluded, be desirable ; and if, as upon the least consideration it must be allowed, these changes and improvements cannot legitimately, or even possibly, be accomplished, except through the intervention of our ecclesiastical synod ; it will follow that, on this account at least, the revival of the synodical functions of the Church is desirable, and that the suppression of them, which is an important particular of Anglican Erastianism, is an evil of no little moment.

The writer, before dismissing this consideration of the practical improvements in the system of the Church, prevented by the suppression of her synodical functions, would, in order that the importance of the point may be clearly brought before the mind, instance a few more points, in which the regulations of a synod are most desirable and even necessary. While every other religious body, Romish or otherwise, has some regular and public mode of admitting baptized persons, joining their respective communions, the Church of England has *none*. It frequently occurs that persons in this country, who have become aware of the errors of the Church of Rome, join the communion of the Church of England ; and in some cases it happens, and may happen, that such persons in doing so are *returning* to the communion to which they originally belonged. Now there is no authorized form of admitting or reconciling

such persons to the Church. It is true, that a form is sometimes used on these occasions, and not always the same form. But the use of *any* form on such an occasion, is not only without ecclesiastical authority, but it is in direct contravention of the Acts of Uniformity, and in fact exposes the minister who employs them to the penalties of the violation of those Acts. Again, it were in the opinion of many persons who are entitled to consideration, expedient that there were some formulary for the visitation of prisoners; and there are few but must think that some special forms of congregational service, more expressly adapted to the purpose, both in shortness and appropriateness of matter, than the existing services of the Church, are needed for use in the numerous gaols in this country. And the opinion generally prevails that some further services were desirable in our churches, adapted both by shortness and simplicity to attract the working classes, and to suit their tastes, understandings, and convenience. Again, with respect to the Homilies of our Church, which are declared in the 35th Article to contain doctrine "necessary for these times," (that is, the times of Queen Elizabeth), there are many thoughtful Churchmen, who would gladly see either these discourses, if retained at all, revised, and their antiquated and often coarse phraseology adapted to the language and improved taste of the

present day, (and at present they are felt to be unsuitable for use, and are almost universally disused); or superseded by a new collection of authorised discourses, to be used discretionally by the ministers of the Church. That such and similar additions and improvements of a practical kind are needed by the Church, if she is to have her full usefulness, and to retain and increase her hold for good upon the population of the country, is felt by a large number of her attached members.

But there are also many objects of Christian usefulness, falling within the scope of the Church's mission, which would surely be promoted in the best and most efficient manner, if her now scattered energies and divided efforts were drawn together, and brought to bear upon those objects, by means of vigorous and united synodical action. The diffusion of religious truth,—the education of the poor in her principles,—the missionary work of the Church,—the provision of additional clergy for an enormous and increasing population,—these, and kindred objects, were assuredly best furthered if the whole Church acted for them by one organ and representative body. The necessity for the united action of her members in promoting these objects is confessed by the existence of various independent societies formed for these purposes. But the inadequacy of these means is

exhibited by the results. And the very plan of independent societies is very generally felt to be liable to serious objections, as being devoid of due ecclesiastical authority, and as being inconsistent with the very idea of a Church, which is itself a Society, of Divine origin, for the promotion of all purposes connected with Christian edification. They appear to be humanly-devised contrivances for effecting the very purposes for which the Church itself was designed, and which, to use a common expression, are the very final cause of her existence. Deprived, however, by the suppression of her synodical functions, of the means of combined action for these purposes, the energies of the Church are directed into other less appropriate and less effectual channels. This is evident not only from the nature of the case, but from the fact, that the society of earliest date amongst us, owes its origin to an attempt of the Convocation itself to take the field which the society has occupied, but which it was not able to carry into effect.

And it is further illustrated by the fact, that the Convention of the American Church, the General Assembly both of the Established and the Free Kirk in Scotland, and the Conference of the Wesleyan Connexion in England, having liberty to act, actually carry on all these purposes, for which the Church in this country is compelled to have recourse to the principle of voluntary asso-

ciation. These societies, then, are substitutes, and the best substitutes that the adverse circumstances of the Church allow, for her own harmonious action in furtherance of these several objects, which are, indeed, if any, her own proper objects. But if she were allowed, as she is entitled, to accomplish them by the medium of her own organisation, it were assuredly not only more in accordance with her own principles and the notion of a Church, and probably more efficacious in the results, but far more consistent with her internal unity and peace. For at present, with the differences of doctrine and practice existing in the Church, differences for which synodical action itself might have furnished a remedy, the principle of voluntary association becomes itself a permanent mode of expressing those differences. Thus, rival pairs of societies are established in the same Church for the same object respectively; while one society of each pair is supported principally or chiefly by one of the two rival sections, and is made a post of party conflicts, and their operations often clash, and great cause of scandal is given, and the zealous energies of the Church are distracted, and the breach is widened. Whereas the religious communions, in this and in other countries, which are able to serve these purposes by synodical action, present no such scene of distraction and contention; the differences of opinion



which may exist among them, do not interfere with co-operation and harmonious action for the objects in question. Another application of the principle of voluntary association among the members, clerical and lay, of the Church in this country, consequent upon the absence of her free and legitimate synodical action, is exhibited in the formation and operations of Church unions, as some means of combining for the assertion of the rights of the Church, for the defence of those which remain to her, for the recovery of those of which she has been deprived, and for the maintenance of those sound principles of her constitution which may be imperilled. Though the nature of these societies may be justly called in question as at variance with ecclesiastical principles, yet they are manifestly no more objectionable on this ground than the societies before spoken of, as springing from the same principle of voluntary association. Still the occasion for their existence is much to be lamented; and they are a fresh instance of the evil, though necessary, effects of the suppression of all free and rightful synodical action. But they are effects which would doubtless cease whenever the Church were again at liberty to speak by her own representative organ.

Still, notwithstanding the obvious improvements in her condition and system which might thus and thus alone be accomplished, there are

those who may argue, that the suppression of her synodical powers is no evil; nay, is even an advantage to her interests. It is apparently thought that the representatives of the clergy cannot with safety be trusted to deliberate on the affairs of their Church; that they would necessarily carry on these debates with too great warmth of feeling, and would inflame the spirit of religious controversy; and that instead of removing differences of opinion, they would only widen the breach existing between differing parties. Others ground their objection to the synodical action of their own Church on a general denial of the utility of the synodical principle. The council of Jerusalem, recorded in the Acts of the Apostles, will be regarded by them as no precedent for assemblies, the elements of which include no inspired ambassadors of Christ. But this view proceeds on the assumption, not apparently well-grounded, that inspiration is necessary for synodical consultation; whereas, on the contrary, the reference of a religious question to a council, even when the Apostles were present, would seem to argue the still greater expediency of the same course in subsequent times, when no appeal can be made to the living organs of an extraordinary inspiration. And it should be recollected, by those who deny the utility, under any circumstances, of the synodical principle, that if their

denial be correct, it follows, that all Christendom in all ages has laboured under a strange hallucination on this point. According to this view, unprofitable, and worse than unprofitable, have been all the labours of councils in defining and defending the faith, in terminating controversies, in regulating the affairs of the Church, and in restoring its discipline; and vain the labours of approved canonists, like Lyndwood, Beveridge, Gibson, and others, in digesting and illustrating the acts of those councils, and vain the researches of those students who avail themselves of their labours. But enough has been said in reference to the objection against the revival of our Church's synodical freedom which is based on so sweeping and astonishing a negative as that which disallows the utility of the synodical principle under any possible circumstances.

It will not escape the reader's notice that many of the above-mentioned objections to the revival of the synodical functions of the Anglican Church, if pressed to their legitimate extent, would go to the total abolition of Convocation; and one cannot but wonder that those who have raised them have not urged this step also. However, these objections will appear, on a candid examination, to be devoid of the weight to which they lay claim. To all the above objections urged against the *expediency* of reviving the functions of the Anglican

Church-Synod, it were indeed sufficient to observe that the Church has a clear moral right to meet in synod—a right inherent in every kind of independent society or commonwealth; and that the Convocation is acknowledged both by the Church and State in canons sanctioned by the Crown, and recognised by statutes and by ancient usage and prescription, to be *the* form, and the only form of synodical assemblage which it at present possesses. The clergy have as much of a *right* to meet by their representatives, as the commons of England to meet by theirs in the House of Commons; nor can any arguments of alleged *inexpediency* avail to deprive them of that right—a right which the clergy are justified in claiming, nay, are even *bound* by their office to claim, and which the coronation oath, honestly and equitably interpreted, would lay the advisers of the Crown under the religious necessity of conceding.\* But to take also the very ground of expediency insisted upon—let us ask why and on what grounds should it be thought that the chosen representatives of the clergy are unfit to deliberate on matters affecting

\* The terms of that oath are these :—" Will you, to the utmost of your power, maintain the laws of God, the true profession of the Gospel, and the Protestant reformed religion established by law? And will you preserve unto the bishops and clergy of this realm, and to the churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them?" *King and Queen.*—All this I promise to do.

the interests of their Church? Are they not thought capable of other duties at least equally important and weighty? Surely to question the competency of the bishops and chosen representatives of the clergy of England, to deliberate on these matters, is to treat them with great indignity, nay, with foul scorn and contumely. Why are they less capable of deliberative duties than the members of the General Convention of the American Church, or than the deputies of the Wesleyan connexion in their conference, or the prelates of Romish churches, or the representatives of all other religious bodies in the world? Why are they less fit for deliberations and decisions on matters pertaining to their own communion and sacred calling, than are the representatives of the commons of England, municipal councilmen, or even parish vestrymen, for deliberation and decision on matters respectively concerning the different assemblies to which they belong? In a country where assemblage and discussion are characteristic of the race and people, and are the means by which all public matters, whether of a general or a local kind, are sifted and determined, it appears a superfluous slur upon the clergy to suppose that their representatives alone are unfit for common deliberation. An anxiety lest the sacred character of the clerical offices should suffer from the exhibition of synodical disputes

may be pretended against Synodical assemblies; but why is so deep an anxiety on this head avowed in the present matter, when it is not equally felt in many other matters equally important? True it is that a contentious character has been fixed upon the conduct of the Lower Houses of Convocation during the reign of Queen Anne. But let us ask, what deliberative assembly in the world, on whatever subject of human interest, has been free from contention? All institutions in the world, however beneficial, are liable to imperfection; and contentiousness is unquestionably the imperfection to which a deliberative body is especially liable.

It is but to quote a common maxim to observe, that the argument against the use of a thing from its possible abuse or from an abuse to which it has been perverted, is one of the hol-lowest pieces of sophistry which ignorance or design can employ. But, surely, this fallacy is employed when former disputes in Convocation are appealed to as conclusive against the sittings of the same body at any subsequent time. And, let us ask, what would be thought of a similar argument, (and a similar one could with equal justice be easily raised), against the assembling of our temporal legislature? Have there not been—will there not be from time to time, frequent exhibitions of excessive warmth of feeling in the debates of that assembly? Nay, and even in the reign of

Queen Anne, were not disputes between the two houses of Parliament carried on with far greater violence than between the two houses of Convocation? to say nothing of the furious collision between the House of Commons and the court of Queen's Bench on the subject of privilege; a conflict which has again occurred in our own day. And would this be a satisfactory reason against its holding its sessions, and for its immediate prorogation every year before proceeding to its proper business? In truth, this objection to an active Convocation, arising from the possibility of disputes, would hold equally against every species of assembly constituted for ecclesiastical or political or civil purposes, or any public purposes whatever; and that not only in England, but over the whole world also. And, in fact, this is the very argument which despots both in Church and in State invariably employ against deliberative assemblies. The scandals of dispute and contention, and the advantages of peace, would be warmly pleaded by the popes against that ancient dread of the papacy, a general council; and by power-loving kings against popular legislatures. In truth, the subjects upon which men by their very nature feel most deeply, are those upon which in discussion they are most liable to warmth of feeling; and as religion and politics are those which most interest the human

mind, so discussions upon subjects relating to either of them, and especially to the former and more important of the two, will always elicit, as they always have elicited, greater vehemence than any other subjects; while a singular calmness will characterise their debates upon subjects which they regard with no concern. What Bacon has observed of "vehemence of style" in *writing*, is equally applicable to the mode of *debating* on subjects of deep interest, and especially on that which is of the most transcendant interest to man, Religion—"bitter and earnest writing," says the philosopher, "must not hastily be condemned; for men *cannot contend coldly and without affection* about things which they hold dear and precious." And on Contentions in religion the remark which the same profound and just thinker has made, is well worthy of consideration as bearing on the present point. "It is the condition of the Church to be ever under trials; and these are but two trials—the one of persecution, the other of scandal and contention; and when the one ceaseth, the other succeedeth. Nay, there is scarcely any one epistle of St. Paul's unto the churches, but containeth some representation of unnecessary and schismatical controversies. So in the reign of Constantine the Great, after the time that the Church had obtained peace from persecution, there entered sundry questions and controversies about no less



matters than the essential parts of the Faith and the high mysteries of the Trinity. But reason teaches us that in ignorance and implied belief it is easy to agree, as colours agree in the dark ; or, if any country decline into atheism, then controversies wax dainty, because men think religion scarce worth the falling out for ; so that it is weak divinity to account controversies an ill sign in the Church." In fact, it is almost an inevitable result of the action of religious truth on the minds of men, that it should occasion contentions ; and therefore to prohibit and suppress conference on such subjects, is to quarrel with the very conditions of truth and nature.

Common sense and the dictates of our social nature have taught communities in all ages the importance and necessity of conference for deliberation and determination on matters of common interest and importance ; and the general experience of all times has confirmed the benefits of the practice, with all its attendant inconveniences and possible abuses. And this obvious method has in the Christian Church the warrant of apostolical sanction and usage, and of the practice of all succeeding ages, from the first to the present day. In the face of these obvious considerations, it certainly savours of contractedness and partiality of view, as well of unmanly timidity and caution, and mere *distrust*, to object to the revival

of the synodical action of the Church on the ground, that such action may be attended with warmth of discussion and contention. It seems hardly consistent with enlargement of view, to expect beforehand advantages without *any* mixture of inconvenience from any proceeding in which man takes a part; or to refuse to seek for those advantages because of attendant or possible inconveniences, and because a standard of ideal perfection is not likely to be reached in the case. Men think and act more wisely and more courageously in matters affecting their political, civil, and social interests.—Against the objections made by some to synodical action in the English Church, might doubtless be adduced the testimonies of many Anglican divines of note, both in past and present times; and assuredly it must have been from a deep sense of the value of the synodical principle, that three of the most eminent laymen whom England produced in the sixteenth and two following centuries, have each given their deliberate judgments in its favour. The first of these is the wise and upright Sir Thomas More, whom for breadth and simplicity of character Sir James Macintosh has pronounced the very greatest of England's worthies; and who, in reference to the comparative disuse of synods which prevailed even in his time, thus delivers his sentiments on the general subject:—"If the clergy assembled

often, and might act as other assemblies of the clergy in Christendom, much good might have come; but the misfortune lay in their long disuse; and that in my own, and a good part of my father's time, they never came together except at the command of the prince." The next great lay authority to whom I have alluded, is Lord Bacon, whose sentiments, no less favourable to synodical action than those of Sir Thomas More, as expressed in his treatise on the Pacification of the Church, will be found in the next chapter of this work. The third testimony to the same point is that of one whose writings and recorded conversations exercise no mean influence on the national mind, the great English moralist, Dr. Johnson. His sentiments on this point are thus characteristically related by his biographer: "I mentioned to him how common it was in the world to tell absurd stories of him, and to ascribe to him very strange sayings." JOHNSON. "What do they make me say, Sir." BOSWELL. "Why, Sir, as an instance very strange indeed, David Hume told me, that you would stand before a battery of cannon to restore the Convocation to its full powers." JOHNSON. "And would I not, Sir? shall the Presbyterian Kirk have its General Assembly, and the Church of England be denied its Convocation?"

It is, indeed, strange, that any occasion should

arise for arguing that synodical action is altogether desirable for a church, in spite of inconvenience which may attend it, when the working of ANY institution or method among men, however beneficial, is liable to grave evils and inconveniences. One is reminded, by such a line of argument as that now combatted, of Burke's ironical treatise in the style of Bolingbroke, in favour of what was termed "natural society," in which that writer set himself to prove his paradox, by showing the inconveniences respectively attending monarchy, aristocracy, democracy, and, worst of all, a mixed government, because that form inevitably involves the existence of party; and having illustrated the evils attendant on every imaginable form of government, he infers that no form of government ought to exist at all!

It is the argument of papists against the Bible, that it is liable to perversion and misunderstanding; it is the argument of socialists against property, that it fosters selfishness: it is the common argument of every one objecting to whatever, by the suffrage of mankind, or even according to Divine testimony, is calculated to be useful, beneficial, and valuable to mankind, that it is subject to some drawback, balanced by some evil, or liable to some misapplication or abuse. Thus, because God's natural gifts bring with them their temptations and occasions of sin, some gloomy and

extravagant ascetics have thought it right to reject them altogether. Some have objected to the preaching of Christianity to heathens as tending to give them ultimately such enlightenment as would render the dominion of their Christian rulers precarious. Many morose persons have objected to all human learning and science, because they are capable of being perverted to the purposes of infidelity and irreligion. Others have opposed the education of the poor as tending to make them dissatisfied with their condition in life, discontented with manual labour or menial employment, and dangerous subjects of the State. But does any wise and reflecting or right-minded person admit the objection of counterbalancing evil or probable abuse as valid and good, against any one of the above-mentioned benefits and blessings against which it is used? Why then is it admitted against the possession, by a national Church, of an acting authoritative synod for the regulation of its affairs, and the promotion of its interests?—But it should also be borne in mind, by those who consider the revival of the Convocation of the clergy a thing to be deprecated, on account of the contentions which might take place in it, that the suppression of the Anglican synod does not, in point of fact, prevent contentions on religious subjects from taking place, but merely transfers them to a wider

and more disadvantageous field, and compels them to take other and more desultory and protracted forms.

Regulated discussion is the best remedy for any angry feelings which may unhappily be excited by difference of opinion. But, instead of being conducted under the control of authority, and the safe-guards of the forms and the rules which guide the debates of a regularly-constituted deliberative assembly, these discussions now take place at irregular meetings, at which little check exists to restrain intemperate passions and language, or to ensure patient and mature deliberation, and where opinions are applauded or reprobated, only as they reflect or run counter to the prevailing sentiments of the meeting. Those who speak or vote on such occasions, do not act under that additional responsibility which men would feel when discharging a trust committed to them by their fellows in the face of the Church. It may safely be said, that more scandal results to the Church and religion from these meetings than from any disputes in a synod. Nor is it in irregular and unauthorised meetings only, or principally, that the spirit of controversy, driven from its proper course, finds vent. In sermons, in pamphlets, in letters to the periodical press, religious disputation has been unceasingly carried on, with far greater breaches of charity, and more

scandal to religion, and far less practical result, than could be expected from the discussions which would take place in a solemn deliberative assembly, representing the clergy and Church of England. Thus, controversies, instead of being brought to a head, become chronic diseases in the ecclesiastical body ; and instead of arriving at anything like a definite issue, are protracted in an irregular and endless warfare, while no authoritative decision is heard to determine the matter in question. On the other hand, without attributing any undue weight to any assemblies of men, however important the objects for which they meet, and however grave the responsibilities under which they act, or however precise the forms regulating their discussions—one may fairly expect from synodical assemblies more candour and moderation of sentiment, more calmness of deliberation, more willingness to listen to argument, more desire to remove, and be divested of any misunderstanding of each others' views and intentions, and to find out points of agreement as well as of difference, with less of rash assumption and of hasty determination, than in any other mode of conducting religious controversies. It were fairly to be expected, that in such an assembly those most eminent in personal worth, wisdom, and experience, would gradually gain their due ascendancy in swaying the decisions of

the body. Nor can it be questioned, that such discussions are a process by which truth may be and is elicited and confirmed, when they are carried on with ability, patience, and temperate zeal. Even though the most conclusive arguments may *at the time* fail to convince, yet by being repeated, remembered, and reflected upon, they will in the end often gain assent,—a truth of which most reflecting persons must, even within the last few years, have observed many instances, both in the admission of truths and the rejection of errors. And thus, from full discussion, a greater agreement in truth may fairly be expected to arise, rather than an aggravation of differences. In short, from due synodical discussion on matters of religion may reasonably be expected greater service to the cause of truth and unity, than from the desultory and protracted methods by which religious controversy is at present conducted in the Church. And unquestionably the deliberations of a representative synod are a quicker means of bringing religious discussions to some definite and tangible issue and conclusion, than can possibly be arrived at in any other way. And though even regulated conference may give scope for the display of some of the infirmities and vices of human nature, it also gives room for the beneficial exercise of many of the virtues and excellencies which adorn humanity and are the



fruits of Christian doctrine and of Divine grace, zeal, wisdom, candour, humility, patience, and moderation. And it were mere faithlessness to doubt the possibility of an effectual return to the prayers for Divine aid and guidance, on behalf of those, who in the discharge of their office meet together in Christ's name to take common counsel for the welfare of His Church. Thus much in reply to the objection against reviving the active functions of the Church synod, founded on apprehensions of the religious disputes which might thus be occasioned.

I proceed to notice the objection to this step which some have put forward, that the action of such a synod will possibly lead to a disruption of the connection of Church and State. What all those persons who employ this very vague and ambiguous term, the connection between Church and State, intend by it, I cannot of course pretend accurately to determine. If the following particulars are intended by it, 1. The recognition of the Church by the State as the leading "sect," (for this is all that such recognition now amounts to, as other "religious denominations" are also recognised by the State) ; 2. The terms of the act of succession requiring that the Sovereign be not in communion with the Church of Rome ; 3. The coronation of the Sovereign by a prelate of the Church, and the administration of the oath by which the Sovereign

is pledged to "maintain the Protestant reformed religion established by law, and preserve to the bishops and clergy of this realm and to the churches committed to their care all such rights and privileges as by law do or shall appertain to them or any of them;" 4. The power of the majority of a parish vestry to levy rates for the maintenance of the fabric of the parish church, and the expenses of divine service; 5. The coercive external power given, for enforcing their sentences in certain cases, to the so-called ecclesiastical courts, which, as Bishop Kaye has well observed, are, in fact, civil and not ecclesiastical courts; 6. The reading of prayers daily in parliament during its sessions by a clergyman of the Church of England;—if, I say, by the term connection of Church and State be meant the above particulars, the writer is unable to perceive how any resolution of the Convocation could affect them. But, if by connection of Church and State is intended the entire subordination and dependency of the Church to the temporal constitution, as it exists in theory and practice, including the determination of doctrine by a court of lawyers and officers of the State, the making of bishops by the Crown under the pretence of liberty to elect them, and the suppression of the Church's synods, or the restraints imposed upon those synods by the terms of the Act of submission, and the making of her

laws by such a legislature as the parliament of the United Kingdom; and if any of these particulars could be amended by any resolutions of the Convocation, so much the better, as they involve (which is the whole point of the present argument) sin on the part both of the civil and ecclesiastical powers, the one in advancing these pretensions, and the other in acknowledging them; and produce, also, the utmost practical evils to the Church. But let it not be supposed probable, that these relics of Tudor tyranny and sacrilegious usurpation, are to be so easily removed as by any mere and improbable votes of the houses of Convocation! let none suppose it likely that they will be so easily parted with by officers of State and politicians of whatever party! let it not be thought humanly possible that the recovery of a power which the Convocation of 1531 surrendered to the Crown for fear of losing their goods,\* can be obtained at so little cost as a resolution of the same body! It were not easier for a community than an individual to retrace so wrong a step—the Church's successes must be gained by the chief weapon of Christian warfare, suffering for conscience sake, especially when she has laid herself under the disadvantage of a sinful compliance from the love of money. It has been well observed by the acute infidel historian, that the

\* See note at page 26.

Christian Church is more to be feared for her virtues than her vices ; and it is only by patience in suffering, *if at all*, that she can prevail over the State, the power of the world, to restore to her the divinely-given rights which the one has wickedly seized, and herself has faithlessly surrendered. The foot of the State is, indeed, too firmly planted upon the neck of the Church, civil things and things sacred are too inextricably confounded and entangled together in the existing relations between the two bodies, for the usurpation to be dislodged, the confusion reduced to order, by no greater moral force than would be exerted by a mere resolution of this assembly. Nay, so hopeless and irremediable are the evils and anomalies of the Anglican Church system in the eyes of many who even wish their removal, that a kind of fatalist view of them appears to be coming over their minds, as if no human means could remedy them, and as if they were destined to last till the institution which they encumber and deface sinks to ruin in the land.

But whatever may be meant by the connection between Church and State—for very different ideas are attached to the phrase by different persons—and whatever advantages may flow, or may be supposed to flow, from some particulars of that connexion, the writer will candidly avow his opinion, as his reasonings tend to the conclusion,

that as there is a limit to the value of those advantages, they are in fact bought too dearly at the cost by which they are accompanied, and that even a disruption of that connection were preferable to the continuance of the wrongs implied and resulting from the existing subjection of the Church in this country to the civil power.

Having endeavoured to remove the objection to the resumption of the Church's rightful synodical functions in this country, founded on the apprehension of its dangerous action as regards the civil power, the writer would briefly notice an objection of a directly opposite and contradictory nature. The former objection resolves itself into this, that a revived synod would do too much. The objection now threatened is, that the synod, even if revived, could do nothing, from the limitation imposed on its action by the effect of the Act of Submission. It is evident at first sight, that one of these objections overturns the other, and that both cannot be valid. But if the present objection be valid, no fear of the dissolution of the connection of Church and State need, by the mere force of the terms, be apprehended by the most timorous alarmist. And if it be true, that the civil power has so completely, by its enactments, nullified the power of the Church's synod, this case is exactly in point of the writer's argument, that the existing status is injurious to the Church.

But if the powers of the revived synod be thus jealously circumscribed, the fault will rest with the Queen's advisers, in not allowing it the liberty of action to which it has a religious and moral right. In short, this argument used against the revival of the synod, namely, that it would be powerless, is good only against the system the writer is examining, the system of Anglican Erastianism.—But perhaps the common and practically the most effective objection that has been urged on this subject is that which, admitting the importance and utility of synods *in the abstract*, calls in question the suitableness of the particular time for the revival of the synods of the Church in England. Either there are questions pending, the discussion of which in synod would lead to strifes among the clergy; or there are no questions pending to require synodical discussion; or the members of the synod (for this argument has been used), are not at present sufficiently enlightened for the discharge of their duties. Wait; wait for peace, in which they will discuss questions with moderation; wait for controversy, which a synod shall terminate; or wait until the clergy are better informed, or are more of one mind. The writer might easily construct a curious *catena* of such objections, extending from the time that Convocation was put down to the present day,—and the “proper time,” whatever that

may be, has never yet arrived, nor, according to this reckoning, is it ever likely to arrive; for imperfections will always exist in any body of men.

However, the writer will no longer confine himself to the task of meeting the objections, which have been with equal ingenuity and inconsistency urged against the synodical action of the Church in this country. His point being to prove that Anglican Erastianism is evil to the Church, it was within the scope of his argument to show that one particular and important instance of the working of that system, viz., the suppression and coercion of Church synods, was a grave evil; and in order to establish this latter point, it was thought desirable that he should reply to the assertions of some, that the suppression of those synods was an advantage. He will now drop this negative argument, and will assert, that if it be desirable that a Church shall have a legitimate mode of expressing its collective views, an authorised organ of united action at home, and of intercommunion with other Churches abroad; a legitimate tribunal for determining any controversies that may arise on points of doctrine or discipline; a legislative body for making such regulations, and organic changes, and improvements, as a greater measure of enlightenment may dictate, or the requirements and wants of different times may demand; if these powers are desirable,

if they are necessary to the very notion of a Church, if every other religious body here, or elsewhere, possesses these powers in one form or another, and values the exercise of them; then the deprivation of synodical action in our Church is a grave injury to her interests, and the system of Erastianism, which produces this and other admitted or alleged evils, is in this respect deeply injurious in its effects on the Christian Church in England.

But perhaps (though the writer is aware that many otherwise agreeing with him will differ with him in this view, and will think it injudicious to advance the point), one most disastrous effect produced by the suppression of synods, and the destruction of their spiritual authority in doctrine by the State, is, the loss to the synod of the Church of a power peculiarly inherent in such an assembly, of reviewing and resettling the terms of subscription and declaration required of clergymen, both at their ordination and at their appointment to ministerial posts. It is well known that these terms have been prescribed by the authority of the State, and especially in the Act of Uniformity of 1662; and that in pursuance of this enactment of the temporal legislature, every candidate for orders, and every presentee to any kind or sort of ecclesiastical preferment, is required to make the following declaration: "I,



A. B., do here declare my unfeigned assent and consent to all and everything contained and prescribed in and by the book entitled 'The Book of Common Prayer, and administration of the Sacraments,' and other rites and ceremonies of the Church, together with the form or manner of making, ordaining, and consecrating of bishops, priests, and deacons." Further, by the statute 13 Elizabeth, cap. 12, it is required that no person shall be admitted to holy orders, and no clergyman shall be admitted to any benefice in the cure, except he subscribe certain of the Thirty-nine Articles in the presence of the ordinary, and read and declare his unfeigned assent to them in the presence of the congregation. Further, he is required, before ordination, and at institution to a cure of souls, willingly and from his heart to subscribe the three articles of the 36th canon, which, as, like the rest of the canons of 1603, they are very little known to members of our Church, it may be useful here to transcribe.

"I. That the queen's majesty, under God, is the only supreme governor of this realm, and of all other her highness' dominions and countries, as well in all spiritual or ecclesiastical things or causes as temporal; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual,

within her majesty's said realms, dominions, and countries.

"II. That the Book of Common Prayer, and of ordering of bishops, priests, and deacons, containeth in it nothing contrary to the Word of God, and that it may lawfully so be used, and that he himself will use the form in the said book prescribed in public prayer and administration of the sacraments, and none other.

"III. That he alloweth the book of articles of religion, agreed upon by the archbishops and bishops of both provinces, and the whole clergy in the Convocation holden at London, in the year of our Lord, 1562; and that he acknowledgeth all and every the articles therein contained, besides the ratification, to be agreeable to the Word of God."

Such, then, are the solemn professions of unfeigned and hearty assent and consent, drawn with all the breadth and precision of legal language, which all they are required to make who are thought worthy to be intrusted with the exercise of the Christian ministry. Such is the capaciousness and stringency of the bond imposed on their consciences by Tudor and Stuart legislation. With the acknowledged differences of men's minds, and the wide room generally admitted even for sincere and enlightened differences of opinion on all matters not clearly touching the very

essence of the Christian Faith, sixteen thousand men in every generation are required to profess their entire belief of all and every particular contained in several hundred propositions respecting almost every controverted point of doctrine and discipline, ceremony, and rite. It is painful to refer to the attempts which have been made from time to time to reconcile such terms of clerical profession with the holding of opinions at variance with numerous particulars comprehended in these terms ; nor are they referred to by the writer with any wish to cause scandal, far less to hurt feelings, but simply as illustrative of the mischief done to the Church by the State in depriving her of an authoritative synod which should simplify and modify the requirements thus made upon the consciences of the clergy.

The writer is aware that these attempts to get over the stringency of the terms in question have repeatedly been noticed in no friendly spirit towards the Church, and often in direct hostility to Christianity itself ; but he trusts that in referring to them himself, he will not be accused of either of these motives. In truth, it is in the interest, as he thinks, both of religion and the Church, that he points out this evil consequence of the suppression of synods, viz., that no competent power is left to deliver a large body of the present clergy and their successors from the

grievance of a too-restricted basis of conformity. To return to the point before us, viz., the cause which exists for a revision of these requirements on the consciences of the clergy, a revision which cannot be obtained while the State deprives the Church of free synodical action. It were hardly to be expected beforehand that, considering the variety of human minds and the multiplicity of matters embraced in the formularies in question, any large body of men in every successive generation should be heartily agreed in accepting all and every one of these propositions. Nor, indeed, in referring to the history of the framing of the Act of Uniformity of 1662, does it appear that its enactment was dictated by any such expectations. It will be remembered by those acquainted with the transactions of the period in question, that, when it appeared probable that Charles II. would be restored by means of the reviving loyalty of the Presbyterian party, that monarch, with the view of fixing them in his interests, so expressed himself on the subject of religious toleration in a manifesto which he published in Holland, styled the Declaration of Breda, as to hold out hopes to that party that such terms of subscription would be settled as would enable the ministers of that party, to retain the benefices which they had held during the Rebellion. Restored to his throne in great measure by the hearty ad-

hesion of the Presbyterians to the royal cause, Charles shortly published a second manifesto on religious pacification, termed the "healing declaration," in which he promised that the government of the Church should be remodelled on the celebrated plan of Archbishop Usher for the reconciliation of Episcopalian and Presbyterian principles,\* a plan which had recently been proposed in a conciliatory spirit by the Presbyterians themselves. He then makes use of the following expressions on the entire subject of ministerial conformity, to the complete satisfaction of the party in question: "That the king would appoint an equal number of learned divines of *both* persuasions, (*i. e.* both Episcopalian and Presbyterian), to revise the Liturgy and make such alterations as should be deemed most necessary." This is the seventh clause of this remarkable declaration. The eighth was even more in accordance with the wishes of the party in respect to a wider basis of conformity, and was to the following effect: "We shall leave all decisions and determinations of that kind, if they shall be thought necessary, for a perfect and entire unity and uniformity throughout the nation, to the advice of a *national synod*, which shall be duly called, after a little time and mutual conversation between persons of different persuasions hath mollified those distempers, abated those sharpnesses,

\* The Healing Declaration, containing the heads of Usher's plan, is given in the Appendix.

and extinguished those jealousies, which make men unfit for those consultations. And upon such advice, we shall use our best endeavours that such laws may be established, as may best provide for the peace of the Church and State. Provided, that none shall be denied the sacrament of the Lord's Supper, though they do not use the gesture of kneeling in the act of receiving." In the mean time canonical subscriptions were among other things left indifferent, so that men were not to be compelled under any penalty to use them. The terms of this Declaration gave every hope to the Presbyterians, and it may be supposed to the moderate portion of the Church party also, that such a settlement of the terms of conformity would have taken place as would have enabled both parties honestly to have joined in it, and have prevented in the result the division which took place. For the party styling themselves Presbyterians, evidently made wiser by the experience of the religious confusions and extravagances of the civil war and commonwealth, and guided by that slow but sure sense which ever distinguishes the English nation, unquestionably displayed considerable moderation in their proposals and expectations. Having abandoned the high ground which they had taken twenty years before, that Presbytery alone was the one Divine form of Church-government, the

sceptre of Christ's royalty, they were willing, as I have before stated, to have accepted that fusion of Episcopacy with Presbytery which Archbishop Usher had propounded, and which far more nearly approached primitive Episcopacy than Anglican Episcopacy of that and the present period, which in its dependence on the Crown is Henrician and Elizabethan, and in its isolation from the inferior clergy, its independence of them and its extent of power over them, and in its secular dignities and titles, is evidently mediæval and feudal. Further, this party (which embraced more than a fifth of the holders of the benefices of England in 1660—1, and a large proportion of the laity of the higher and middle and perhaps lower classes) were in general disposed to accept the Liturgy with a few alterations, and their ministers to have professed a general assent to its contents, although to a few particulars they had, as might be expected, insurmountable objections; but with regard to which particulars, had they been left at liberty of use, and had they not been required to profess their entire assent to them, they were willing to have served in the Church.

To return, however, to the history of this transaction. The conciliatory terms of the "Healing Declaration," and the spirit in which the party in question accepted them, gave every hope that such terms of ministerial conformity would have

been settled as would have enabled their ministers conscientiously to have retained their position. Such was the posture of affairs towards the close of the year 1660. But on the disbanding of the formidable army of the Commonwealth, which soon after took place, and the dissolution of the Convention Parliament, which was, to a great extent, composed of Presbyterians, the Court felt itself at greater liberty to disregard the wishes of its Presbyterian allies. And now three different parties of religionists, as far divided in their sentiments as could possibly be, to wit, the Romanists, who had great influence with the king and his brother; the Independents; and the ultra-Church party; united to defeat the proposal of an accommodation with the Presbyterians, and to use their respective influence to have the intended Act of Uniformity drawn in such stringent and minute terms with regard to conformity, as would leave no room for an honest difference of opinion, and would render it utterly impossible for the Presbyterian ministers, with the slightest degree of Christian honesty and integrity, to retain their position in the Church. The Romanist party were actuated in their endeavours to have the intended Act of Uniformity drawn in such stringent terms as would make it impossible for the Presbyterians to accept them, by their usual desire to prolong and widen the differences among



Protestants, and by the apprehension that if, in the forthcoming Act of Uniformity, such professions of religious belief were determined upon as the Presbyterians could conscientiously make, the Church of England would gain greatly in strength, and oppose a wider front against the aggression of Romish error. The Independents were actuated in their opposition to such a relaxation of the terms of subscription as the Court seemed willing to concede and the Presbyterians to accept, by the conviction that no such relaxation could possibly be made as would enable them, the Independents, to conform, and by the determination they felt not to suffer the rival sect, which had taken part with themselves, in great measure, in the late rebellion, to derive from the restored government advantages which were hopeless to themselves. The third party, who conjointly exerted their influence against such a modification of the terms of conformity as would have admitted the Presbyterians, I mean the ardent Episcopalian partizans, who also held strong royalist sentiments, were influenced by a strong attachment to every portion of their ritual and creed, and a determination, probably, to take away, as they thought, any ground for the dissensions which had just before levelled both the Church and the monarchy, by requiring from every one who should be ordained or beneficed the explicit

declaration of a hearty agreement to every single proposition in the Anglican Articles and Liturgy. Nor can it be doubted that many of them were actuated in this policy by an unworthy spirit of resentment for the treatment they had received from the Presbyterian party in its hour of triumph. However, the efforts of these three distinct and otherwise inimical parties, the Romanist, the Independent, and the so-called High-Church party, were successful in inducing the king and his ministers, in spite of the hopes they had held out of a different course of proceeding, to have the Bill for Uniformity drawn with such strict requirements of assent to the formularies and every particular contained in them, as would render it impossible for the Presbyterian ministers, however they might be disposed for it, to comply with them. And the bill was accordingly drawn by Lord Clarendon, in the terms in which it now stands; and as the formidable hosts of the Commonwealth were now disbanded, it was introduced into a new parliament which had been returned with feelings of the utmost devotion to the interests and views of the Court, and without difficulty passed into a law.\*

Such is the history of the celebrated Act of

\* See "Hume's History of England," reign of Charles II., and Burnet's "History of his own Times," Book II. ; also "Craik and Macfarlane's History of England," reign of Charles II.

Uniformity of 1662, and it has been briefly alluded to, for the purpose of illustrating the *motives* which led to the extreme and minute stringency with which the terms of clerical conformity are therein laid down. Now it will be readily conceded by most men, that the requirements of this enactment were, in point of fact, dictated by no rational calculation of their probable adaptation to the minds of a multitude of honest and enlightened Christians in every successive generation, and by little regard to considerations either of justice, charity, or sound policy. The very history of its framing, shows that this Act was chiefly the offspring of religious and political jealousy and animosity. The authors of this celebrated statute acted, either ignorantly or heedlessly, in direct contravention of the intention of those by whom, in the days of Edward VI. and Elizabeth, the Articles and Liturgy were jointly adopted as formularies of the Church. The reformers had associated the Liturgy with the Articles, in order to conciliate the adherents of the old religion, or at least to avoid shocking their prepossessions too deeply. But the Uniformitarians of 1662, in their blind anxiety to prevent the admission of the moderate Presbyterians, turned the whole mass of the formularies which had been intended to promote the amalgamation of religious parties, into a test of individual religious opinions.

And the practical operation of these minute requirements of expressed opinion on a mass of multifarious propositions, has been but too worthy of the history of the imposition of those requirements. It has in truth been found *impossible*, generally, for earnest-minded and reflecting Christians to meet them in their plain and obvious sense. Accordingly, various ways have been from time to time resorted to for nullifying or evading their force; ways, which assuredly are not consistent with Christian sincerity and truth, or with the perceptions of honest and unsophisticated men, or with the credit and usefulness of the Church and the clergy. Some have held that a *general* assent to these preliminaries is all that was intended, considering the imperfection of uninspired documents, the variety of human minds, or that *could have been* intended by the original imposers. The controversy has been made to turn, in great measure, on the intention of the imposers, and the conclusion on this subject to which many have arrived, (including among others the discerning Paley,) has been, that one portion of the formularies to which a minute and particular hearty assent is thus \* required, viz. the 39 Articles, was merely intended to exclude Papists, Baptists, and Quakers. In his Moral and Political Philo-

\* The Articles are required to be assented to by 13th Elizabeth, cap. 12, but the Act of Charles continues it.

sophy, Paley tells us, that the "*animus imponentis*" is to be the key to interpreting the meaning of subscription and declaration of assent to the 39 Articles; and "the legislature," says he, "of the 13th Elizabeth, is the imposer of the Articles, whose intentions the subscriber is bound to satisfy." As the requirement of subscription to Articles was levelled by that legislature chiefly at the Papists, his view is, that any one opposed to the Papists may safely subscribe to them. In a short treatise, entitled "*Considerations on Subscription*," the same author has occasion to deal with the case of those clergymen whose sentiments are not in accordance with every statement contained in the formularies to which a minute adherence is required to be professed, and who yet naturally desired to partake of the emoluments of the Church of which they were ministers; and the result of his advice is, that they should regard these subscriptions and declarations merely as a matter of form, a customary and official compliance with which is all that is required. This mode, however, of evading the force of the requirements of the Act of Uniformity, surely is not consistent with common honesty. The question of the intentions of the original imposers is in truth irrelevant, though it would seem that their real intentions were in fact very different from what has thus been supposed. Others again

endeavour to remove the difficulties of expressing "*ex animo* their unfeigned assent and consent to all and every thing contained in the Book of Common Prayer, &c." from certain particulars of which, however, they conscientiously dissent, by regarding them, (as the Bishop of Worcester and the author of the Velvet Cushion have stated the matter,) as obsolete and antiquated relics of the superstition of former days, which have remained undisturbed in our formularies, but which are no longer accepted as expressive of the mind of the Church. A considerable number of writers on the subject of the intention of subscription, (for the subject has indeed exercised the ingenuity of men's minds in no common degree,) have agreed in determining that the Articles are not Articles of individual belief, but "Articles of Peace," in other words, as statements of doctrines which all should agree not to question, whatever their inward sentiments might be on various matters contained in them. Even Bramhall and Jeremy Taylor are to be numbered among those who have taken this view of the intention of proposing the Articles, to the declared assent of the clergy, although the very title of the Articles proclaims that they were agreed upon by the Synod for "avoiding of diversities of opinions, and for the establishing of consent touching true religion," and still more, although the very meaning of setting

one's hand to a document is to declare one's full assent to its contents. And with regard to the declaration required as aforesaid in the Act of Uniformity, a modern controversialist of note, Mr. Goode, has endeavoured to evade the force of the terms, by referring to the words of the preceding clause of the act, requiring that every minister shall, after reading the morning and evening service in the Book of Common Prayer, "openly and publicly declare his unfeigned assent and consent to the use of all things in the said book contained and prescribed."

This writer then draws a distinction between assenting to the *use*, and assenting to the *teaching* of all these directions and contents—a distinction of which the nullity, for all practical intents and purposes, will be too evident, on being simply stated, to require illustration. Again, there have been many other clergymen who have endeavoured to evade the plain force of the expressions of our formularies, from which, in their obvious sense, they dissent, by a "non-natural sense," and by "hypothetical construction," and "latitude of interpretation." And lastly, there are even still more who, openly and without disguise, state their disagreements from various particulars in the different formularies to which they have expressed their assent. A canon of Norwich, for instance, has made public his dissent from the damnatory

clauses of the Athanasian creed, and openly tendered the resignation of his preferment on that account. And the late Bishop of Norwich, in presenting to the House of Lords a petition from that clergyman, praying relief from subscription, openly stated that he never knew a clergyman who accepted those clauses of this creed in their true meaning. And the repugnance of that prelate himself to the form of Ordination, which he used himself in the discharge of his office, was not kept secret by him. Again, it was the habit of several clergymen, within the last years, summarily to omit portions of the baptismal service, and to supersede the use of the Church Catechism, as expressing doctrines from which they dissented. Perhaps, however, the commonest mode of evading the plain and obvious meaning of obnoxious particulars in the received formularies is that termed "latitude of interpretation," by which it is supposed that two or more parties of different sentiments may subscribe the same words, each in their own sense. This practice, necessarily, either proceeds on the supposition that the framers of the words to which this latitude is applied had no definite meaning in framing them, a supposition which cannot be adopted in this case, as it would suppose too great folly and presumption on the part of the framers of the Liturgy, &c. ; or that, having such definite meaning in their own minds, on the sub-



ject to which the words refer, they purposely expressed themselves in language capable of two or more senses,—a supposition which cannot be entertained, as tending to convict them of insincerity; or that *intending* to express their meaning clearly, they have so *entirely* failed in their attempts to do so, as to have employed language capable of two or more different interpretations; or, lastly, that some of the formularies in question are contradictory to others, so that therefore the sense of one portion of them must be strained so as to be made to speak in harmony with the other. Whichever of these suppositions may account for the supposed necessity for this “latitude of interpretation,” surely this “latitude” can never satisfy a plain and honest mind. Ambiguous or contradictory formularies can never be, to those who profess their entire acceptance of them, other than a snare, or a stumbling block, or a source of doubt or misgiving, while they manifestly fail of their declared purpose of avoiding dissension and establishing agreement in true religion. How far any of these different ways of meeting the statutory and canonical requirements of conformity in the ministry of the Anglican Church can be considered satisfactory, most men will be able to judge. The writer might, by a little research, have adduced many more instances of endeavours, not more satisfactory, to evade the force and meaning of the

requirements in question; but he will content himself on this painful subject with quoting the above instances as proofs that the Church suffers from the want of an authoritative synod for the purpose, among many others, of reviewing and revising the terms of clerical conformity. At present those terms are drawn with such minuteness as, to quote the words, in their substance, of the Edinburgh reviewer of Dr. Arnold's *Life* (in which the reviewer, by the way, states his wonder that a man holding Dr. Arnold's views, could have brought himself to accede to them), "with such minuteness as purposely to leave no loophole for the most conscientious mind to escape by, and as best fitted at the same time to repel the very men who should be admitted, and to admit the dishonest and unscrupulous." On the manner in which the force of the requirements of conformity have been perpetually dealt with by persons really dissenting from many of the particular points comprehended and implied in them, I shall close my observations by quoting those of a writer whose enlarged views and candid and Christian temper entitle him, though he belonged to a different communion, to respect and consideration.

The late Robert Hall, in his review of "*Zeal with Discretion*" observes, "we should readily concur with the author in his views of the security derived from the subscription of articles, if we

could forget a few stubborn facts, which we would beg leave humbly to recall to his recollection. Is it not a fact, that the nature and extent of the assent and consent signified by subscription have been the subject of a very thorny controversy, in which more ill-faith and chicane have been displayed than were ever before known out of the school of the Jesuits; and that the issue of this controversy has been to establish very generally the doctrine of Paley, that none are excluded but Quakers, Papists, and Baptists." I will here, also, quote another observation of the same writer, which bears in some degree on the present point. "The disagreement between the public creed and the private sentiments of its ministers, is an evil not likely to be remedied before it brings the clerical character into the utmost contempt." (On Dissenters.) Surely, then, as this disagreement does so widely and notoriously exist, it is time that attempts were made to bring them more into harmony; and it is a grave evil arising from our Erastian system that the only proper and satisfactory mode of making such attempts, namely, by the action of a synod fully possessed of its legitimate authority, is positively denied to the Church.

It may, of course, be objected to the above case stated to prove the need of the proper authority for entertaining the subject of the revision and modification of the present terms of conformity,

that, if valid, it is valid against the requirement of adhesion to every dogmatic standard of religious belief; since, however, simple it may be, and however confined to the fundamental articles of the faith, there will be some who will revolt against it; and that even such standard can hardly be expressed in language so accurate as to exclude all possibility of different interpretation. The necessity of *some* standard of dogmatic belief and teaching is obvious from the nature of the case, and from the practice of every religious community in the world. That there is "one faith," every one claiming the name of Christian necessarily holds; nor can a community rightly call itself a Christian community without holding or claiming to hold that "one faith;" nor, indeed, without some specific doctrines or articles of common belief, would it be a religious community at all, in any proper signification of the term. And, accordingly, as I have just said, every religious denomination in the world has some distinctive standard of belief, either written or traditionary, whether the opinions of some particular teacher, or the contents of some religious book, or some definitely stated doctrines.\* This is evident from

\* The peculiar doctrines of religious sects in England are generally expressed in the *trust-deeds* of their places of worship. The Wesleyans (of the original connection at least) make certain of Wesley's writings the test of the belief of the candidates for their ministry.

the fact, that the first question asked as to the nature of any religious society is, What are its doctrines? a fact which shows that every such body, however it may ever disclaim creeds and dogmas, yet really has them in some form or other, whether more or less precisely stated in writing, or understood among the members of the respective communions. It is therefore manifest, that some definite standard of doctrine has been found necessary or expedient for testing the sentiments of those who propose to teach Christian truth. But it is evident that every test may be strained from its proper meaning, or dishonestly received; and the more so, the more the particulars which it contains. Therefore, it is desirable, not to do away with all such tests, which is impossible; but in enforcing them, not to give unnecessary occasion for forced interpretation or dishonest acceptance, by ambiguous or contradictory language, or by multiplicity and minuteness of particulars. And, therefore, to argue against maintaining a test unnecessarily extensive and minute in its application, and apparently ambiguous in some particulars and contradictory in others, is not to argue against *all* religious tests; since some test or other is manifestly necessary to the continuance or even the existence of a distinct religious community. And it is evident that, while the simplest and plainest terms of religious unity may

be capable of different interpretations and of dishonest reception, there will be the greater room and occasion for these inconveniences in proportion as those terms are complex and ambiguous. Nor, indeed, is the writer himself arguing against the tests proposed to the clergy of the Established Church, so much as against that suppression of the synodical functions of the Church, which prevents the existing tests from being reviewed and revised, if found requisite and expedient, as at the long-expressed desire of a large number of clergy, and others of our communion, whose wishes on the subject are, at least, entitled to the most anxious consideration. It is not of course meant that every captious objection of unsettled minds, or every cavil of singular thinkers, against existing and established standards of belief and worship, is to be gratified; (for such objectors will frequently be found, whatever those standards may be;) but that when after long controversy and patient inquiry, and the experience of time, a considerable number of those, who from time to time may be required to give in their adhesion to certain standards of belief and worship, find their sentiments at variance with matters contained in those standards, they are entitled to have their objections heard and considered by the only proper authority, a free synod of the Church to which they belong. But by the action of the State in

suppressing such synods, and in practically nullifying their authority, even if permitted to meet, such persons, and there are many such in these earnest and thoughtful days, are deprived of the resort to which they are rightfully entitled.

And again, when those standards are either found to be so vaguely expressed in certain particulars, as to be capable of more than one fair and reasonable interpretation, or are contradictory with each other, (and one or both of these must be the case, when at the present day so many honest and enlightened men differ so widely in their constructions of various portions of the standard formularies of our Church), there ought to be the opportunity of having recourse to that legislature of the Church, which alone has the authority to give greater precision to the controverted expressions, or to remove or reconcile in a satisfactory way, the contradictions which occur in the formularies in question. Or, if a considerable number of the clergy and attached laity of a Church agree in thinking that the existing tests ought, in justice, charity, and sound policy, to be reduced and simplified, as containing too multifarious and complex a body of propositions to which assent is required, and as completely failing of their declared object, of "avoiding controversies, and establishing consent in true religion," while giving a more painful and scandalous

character to those controversies and differences, and as necessarily multiplying occasions of misgiving and doubt about the meaning of different portions of them, and as repelling many good and earnest persons from accepting them; then surely such a body ought to be in a capacity of exercising its rightful authority of reconsidering and revising those tests. But of this rightful and necessary expedient the Church in this country, and every section of her clergy, are deprived by the action of the civil government, to the great and manifest injury of her mission, of her character, of her usefulness, and of the cause of religion.

Undoubtedly the revision and modification of those established symbols, to which the assent of a body of clergy is required, is a measure only to be resorted to on rare exigencies, and conducted with caution and moderation. A continual tampering with them is a thing to be deprecated highly, as arguing unsettledness of opinion on the one hand, and as tending to unsettle minds on the other. And a nice discernment is needed to determine the occasions when any such measure is required. But this difficulty is not insuperable. Other religious communions, possessing full power to apply this process when it may be thought requisite, are not generally hasty in applying it, and are doubtless well aware of the dangers in-



volved in it. And on the other hand, it is not conceivable that the determination on this point of a number of persons in one generation is of necessity to be regarded as an unalterable and stereotyped decision, to remain in force for all future ages. This prerogative of infallibility cannot be claimed for the framers of our formularies in the reign of Elizabeth, or the reviewers of them in the time of Charles II., especially when it is recollected that *they* were not the first of those who have erected standards of doctrine, and revised tests of religious opinion. The decisions, (to use the expression of Paley), of three or four men, three or four centuries ago, cannot be regarded as necessarily of perpetual obligation, which it were mischievous to modify, and presumptuous to call in question. That the necessity of declaring an entire assent and consent to every particular of their decisions on an infinite variety of matters of religious opinion, *will* be done away with by some means or another, before a long period has elapsed, can hardly be doubted by any who regard the history of the past, and the character and circumstances of the present age. It were well and wisely done if the matter could be taken in hand now by the rightful ecclesiastical authority, at a time when there were a good hope that it would be done with christian prudence and moderation, and not with the haste and

violence which often accompany a great religious revolution. But the opportunity of doing this is withheld by politicians, of whom it may without injustice be said, that ecclesiastical matters are *not* those with which they are most conversant, or in which they feel most interested.

It is but too notorious that there are various sections of the clergy, who, in point of fact, dissent respectively from various of these particulars to each and all of which they are required to profess their unfeigned assent and consent at the commencement, and at every stage of their ministerial career. I have already mentioned that there are many who conscientiously object to what are usually termed the damnatory clauses of the Athanasian creed; clauses which, in truth, no one applies in a purely literal and unqualified sense. It may also be asked, how many are there who heartily accept the form of absolution in the Visitation of the sick in its plain and obvious sense? Assuredly not the present Archbishop of Canterbury, if a recent charge delivered to the clergy of his archdiocese be a correct exposition of his views. The interpretation put upon this sentence, which the clergy, most generally, perhaps, adopt is, that it is simply a remission of *Church censures*, an interpretation which Wheatley and Sheppard, the most approved writers on the Book of Common Prayer, apply to the words in ques-

tion, and which is often employed in explanation of the words, when those words have been insisted upon by a Romanist disputant. But assuredly church censures can hardly have been intended here; for they are public sentences, and it is not supposed that such have been inflicted; and it were apparently absurd to remit a sentence which never had been passed. Nor, indeed, *had* such censure been inflicted by an ecclesiastical court, would it be in the power of a clergyman visiting sick persons privately to remit the penalty. At the same time, there are others who accept these words in their more literal and obvious sense, as the "forgiving or remitting sins in the name of God, so as immediately to restore the person absolved to his favour and grace." Surely it were desirable that if this form of absolution be retained for the assent of the clergy, some authoritative and reasonable explanation should be given of the sense in which it is to be taken. Again, how many of the clergy accept in their plain and ordinary sense the words used in the ordination of priests, and the consecration of bishops?—"Receive the Holy Ghost." This is one of the passages which have given the greatest difficulty to expositors; and in the variety of the constructions put upon it, we see at least that the words, in their literal sense, are not in accordance with the sentiments of the generality of the clergy.

There are a few who accept them in their literal sense, and believe that when they are used on solemn occasions to which they are appropriated, some actual gift or grace of the Holy Spirit passes to the person over whom they are said. The *nature* of this gift, however, they do not explain in a very intelligible manner. It is a peculiar and extraordinary gift, they allow; but as no gift of illumination or of holiness is alleged to be conveyed *hereby*, even to worthy recipients, it is difficult to understand the application of the words taken in their literal sense. Some, taking the words literally, indeed, but in a lower sense, interpret the words as simply importing "the pastoral or ministerial authority," regarding, as they do, this authority as one of the gifts or *χαρίσματα* of the Holy Spirit. Yet this interpretation is assuredly hardly consistent with the words which follow after in the Office for consecrating bishops, "Remember that thou stir up the grace of God, which is given thee by this imposition of our hands." But the more common mode of understanding these words is, as Bishop Burnet in exposition of the 36th article regards them, that they are simply expressive of "a wish or prayer, as if it were said, 'may thou receive the Holy Ghost,' and so," adds he, "it will better *agree* with what follows, 'and be thou a faithful dispenser of the word and sacraments.'" This is the mode of regarding

these words adopted by the generality of the clergy who assent to them; and among others, by the present Archbishop of Canterbury. But it can never be satisfactory to deal thus with language. When once words are made to speak other than their plain meaning, it is evident that the purpose of language, and expressing ideas, is destroyed, and that good faith in the employment of language is impaired. And although a set of men may determine to ascribe to an expression a meaning which it does not obviously bear, the rest of the world will go on attaching to that expression its obvious signification. The words, "receive the Holy Ghost," cannot therefore be satisfactorily construed as meaning either "God grant thee the Holy Ghost," or "mayest thou receive the Holy Ghost." Nor is Burnet himself contented with giving this interpretation to the words in question. He goes on to suggest another, and totally different one. "Or," says he, "it may be observed, that in those sacred missions the Church and Churchmen consider themselves as acting in the *name* and *person* of Christ. In baptism it is expressly said, 'I baptise thee in the name of the Father,' &c. In the Eucharist, we repeat the words of Christ, and apply them to the elements, as said by him. So we consider such as deserve to be admitted to these holy functions as persons called and sent of God; and therefore the Church, in the

name of Christ, sends them; and because He gives a portion of His Spirit to those whom he sends; therefore the Church, in His name, says, 'receive the Holy Ghost;' and in this sense, and with this respect, the use of these words may be well justified."

The irrelevancy of the instances of baptism and the Eucharist here alleged are too obvious, on a moment's reflection, to require notice. In baptizing, the minister merely declares that he is doing a thing which Christ commanded to be done. In the Eucharist, the words of institution are expressly quoted as the words of the Saviour, not employed by the minister as from himself. But in using the words "Receive the Holy Ghost," the ordaining bishop is obviously speaking as from himself, and of his own authority. The *justification* of the expression on the ground, that it is simply the repetition, by the Church and Churchmen, of a form of words which our Lord employed on a particular occasion, cannot surely be accepted, unless we are to suppose that the Church or Churchmen are at liberty to employ authoritatively words which He employed in the exercise of His Almighty power, even when He has not commanded that they should be so employed. Assuredly this explanation bears rather too much the appearance of an ingenious *after-thought*, to justify, as Burnet says, the real meaning, which those who originally framed the words, (and they belong

to the 12th or 13th century), really intended in putting them into the mouths of ordaining bishops. Such is the expression itself, and such the attempts to tamper with its meaning, to which those who have to assent to it are driven ; and the necessity of some mode of explaining it away, has been the more felt, from the circumstance, that the very Office in which it occurs is expressly declared by one of the 39 Articles to which the clergy assent, to have nothing that of itself is superstitious and ungodly, “ aut superstitiosum aut impium.” With regard to the various and opposite constructions put upon the baptismal service, and the terms employed in it, these are too fresh in most persons’ recollection to require statement. Suffice it to say, that in this case there are two parties holding irreconcilable opinions, on a subject concerning which the formulary in question contains certain propositions, each party asserting that their own view is in accordance with those propositions, and one of these parties at least charging the opposite party with assenting to, and employing phraseology at variance with, its real and declared belief. I have already alluded at length to the various and conflicting constructions put upon those statements in the 37th Article, and the three Articles of the 36th canon, which declare the Royal Supremacy.

Now, assuredly, all these differences of opinion argue either a great and dangerous laxity in the

wording of certain portions of the formularies, or a great dissatisfaction with them on the part of a large body of the clergy, and certainly prove a failure in the very object of subscription. Few of those who were present at the occasion when Mr. Ward, the author of the *Ideal of the Christian Church*, was deprived of his degrees by the University of Oxford, can forget the line of argument he took in defending his "non-natural sense" of the Articles: and without expressing any opinion on the validity of that defence, I shall confine myself to asserting, that the position he took proved, as clearly as the case can admit, the necessity of a reconsideration of the various formularies to which so minute an assent is required. His position was, that in adopting a non-natural sense in certain particulars, he was only doing what every other party in the Church did in respect to other particulars; that this "latitude of interpretation," or "liberty of construction," was employed by persons of every different party, as well as by himself. This is illustrated by a variety of instances, wherein persons notoriously of different opinions on subjects upon which the formularies speak, yet profess assent to those formularies, each according to his own sense of them. And he said, that in urging this point in his defence, his object was to prove, "not that we are all rogues together, but that we are all honest men together." Could any argument prove more convincingly the



necessity of some reconsideration of the terms of conformity, and of the formularies to which assent is required? Is not this an "uncertain sound" of the trumpet? Does it not justify the bitter assertion, that the Church speaks with the stammering lips of ambiguous formularies? Is it not manifest that any set of words for defining doctrine, can only, or might only, have but *one* proper meaning, and that two opposite constructions of the same expressions cannot be both correct, unless the expressions be culpably ambiguous? Surely the need is manifest either of an authoritative explanation of the meaning of the different formularies to which assent is required, or of an alteration of them, if such an explanation is impracticable—that men may as clearly as possible know what it is that they are called upon to assent to, and as little room as possible for misunderstanding or misconstruing it, to the great increase of their comfort and usefulness, and of the peace of the Church, and the credit of their Christian profession and clerical calling. But an inseparable bar is placed against the attainment of these incalculable practical benefits, by the political enactments which, to the detriment and disgrace of both the Church and the State, have deprived the former of her spiritual authority and rightful liberty of action. It is Anglican Erastianism which perpetuates the uncertainties of our

Church's doctrine, and the discords of her clergy, and that in an age when positive truth is more than ever sought after, and Christian union more than ever needed.

In closing this part of the subject, viz. the practical evils inflicted on the Church by the working of the Erastian system, the writer is aware that he will be uttering what to all Christians will appear to be a mere truism when he observes, that the almost total destruction of the discipline of the Church caused by the relative position of the State, is an evil to her of the most injurious kind.\* But one of the principal difficulties in this kind of work, and one which has met him at every turn is, that he has been compelled to assert or to prove what to all well-informed

\* Before the Reformation the encroachments of the papacy detracted greatly from the spiritual authority of the bishops and of the Episcopal or ecclesiastical courts. But, when Henry VIII. destroyed the papal power in England, instead of permitting the bishops and their courts to resume the due authority of which that power had deprived them, he took it to himself, and so rendered the ecclesiastical courts properly royal or civil courts. But they kept the *name* of ecclesiastical courts, and professed to administer ecclesiastical law, while they were really administering, in chief measure, statute law. And so oppressive was that statute law under the Tudors and first Stuarts, which these courts administered, and in so many cases were they made the mere engines of State policy and even tyranny, that they became not merely contemptible as *spiritual* courts, but hateful; and so were deprived of their power, to a great extent, in the rebellion and revolution, and have been left with little of either spiritual or temporal authority.

Christians are axioms or acknowledged first principles. And thus in the present case, every one receiving Christianity in its entirety as a divinely-instituted system, will have anticipated the consequence that the suppression of that discipline which forms a part of it, must be attended with grave evils to the Church. It is evident that the loss of the power of excluding manifestly unworthy members must be destructive to the welfare and working of *any* society in the world; and, therefore, on the principles of even natural reason, as well as of faith in the indispensableness of every part of a Divine system of grace, and truth, and discipline, and fellowship, it must be plain that the Church in this country suffers a grievous practical injury in being deprived by the State of her proper discipline. What Christian can doubt that the Divine Head of the Church, speaking from Himself and acting through His apostles, established a particular discipline in His Church? and that this is part of that "good thing committed," that "deposit" entrusted to the keeping of the Church and her office-bearers; or that the faithlessness which betrays *this*, or any part of that whole charge, must be visited with appropriate retribution, with the "spirit of fear," and the loss of the "spirit of power," an inability to plead with any consistency or moral weight the just claims and the true grounds of ecclesiastical

authority, and a liability, if such claims or grounds are alluded to, to be silenced or reduced to refinements by an appeal to the facts of her position. It is the royal supremacy exercised in the suppression or absorption of ecclesiastical and spiritual jurisdiction, as that supremacy has existed both in theory and practice since the days of Henry VIII., more than even in the suppression of the Church's synodical rights, and still more than in the making of bishops under a show of their election and voluntary consecration, that is at once the weakness and disgrace of the Church, that deprives her of the attachment and reverence of multitudes professedly belonging to her, and of the multitudes who belong to no religious communion; and that becomes a stumbling-block to many Christians who would otherwise be numbered in her congregation; and that renders her the scorn of sectarian or infidel opponents.

It is *Erastianism*, in theory and practice, which has deprived her of that spiritual jurisdiction which was ordained by her Divine Head; and how great a detriment this is to her, is evident not only from *a priori* considerations, but from the experience of three centuries, and the observation of thousands; and is witnessed to not only by the reproaches of her enemies, but also by the confessions of her most attached, her wisest, her holiest, her best sons, both in the present and in past

generations. It is the acknowledged defect of the English Reformation, from which, however, other reformed Churches, like that of Scotland, were free. It is a defect which the reformers of Edward VIth's time endeavoured to supply, as is seen in the (in many respects) admirable work which they drew up, entitled "*Reformatio Legum Ecclesiasticarum*;" but which the death of that king prevented from being carried into effect, and which Elizabeth, and the great men of her time, also rejected—the former, from that jealous apprehension of everything which might impair her absolute and arbitrary supremacy over the church which distinguished her whole conduct (and this, although in the code in question every acknowledgment is made of the royal supremacy); and the latter, from their dread of the check which might be imposed on their sacrilegious and immoral practices, and the hatred which riches have always a tendency to create against spiritual rule. It is a defect for the supply of which the pious and learned Andrewes prayed, and the holy and zealous Bishop Wilson laboured, not without success, in a see less fettered than other English dioceses by the jealous restrictions of the civil power. It is a defect to the lamentable consequences of which even Burnet, who will not be suspected of any undue regard for Church authority, amply testifies in the follow-

ing remarkable passage from the Conclusion to the History of his own times\* :—

“ As for the ecclesiastical jurisdiction (of the Church of England), it has been the burden of my life to see how it was administered. Our courts are managed under the rules of the canon law, dilatory and expensive ; and as their constitution is bad, so the business of them is small ; and, therefore, all possible contrivances are used to make the most of those causes that come before them ; so that they are universally dreaded and hated. God grant that a time may come in which that noble design, so near being perfected in Edward the Sixth’s days, of the ‘ *Reformatio Legum Ecclesiasticarum*,’ may be reviewed and established ; that so matrimonial and testamentary causes which are of a mixed nature may be left, a little better regulated, to the lay hands of chancellors and other officers ; but that the whole correction of the manners of the laity, and inspection into the lives and labours of the clergy, may be brought again into the hands of spiritual men, and be put into a better method.”

Burnet here proceeds to propose his plan for the administration of Church discipline, and he then continues in these words : “ This would bring our Church indeed into a primitive form, in which at

\* The whole of this Conclusion is well worthy the attentive perusal of serious Churchmen.

present the clergy have less authority, and are under more contempt, than in any Church that I have ever yet seen. For though in the Church of Rome the public authority is in general managed according to the method continued among us, yet it was in many particulars corrected by the Council of Trent ; whereas we, by that unhappy proviso in the Act authorising the thirty-two commissioners to reform our courts, are fatally tied down to all that was in use in the 25th year of King Henry VIII. Besides, in the Church of Rome the clergy have, by auricular confession, but too great an authority over the people. I am far from thinking that to be a lawful or even a desirable thing ; but since that is not to be thought of, we are in a woful condition, in which the clergy are, as it were, shut out from any share of the main part of the care of souls." Thus decisive, notwithstanding his strong political prejudices, is the testimony of Bishop Burnet to the mischiefs inflicted by the action of the civil power on the ecclesiastical jurisdiction ; while upon the Church has fallen all the odium produced by the procedures of courts which are practically removed from her direction and control.

Such, then, upon the whole, are the evil effects to the Church, springing from the relative action of the civil power in a two-fold form, positive as arrogating to itself functions properly belonging

to her, privative, as preventing her from exercising other of her functions which yet the civil power has not assumed.

Nor can it be doubted that if the weight of Erastianism is still fixed upon her, the Church will relapse into her former condition of passivity and contempt, or even sink into a worse state, however individuals may endeavour to infuse vigour and efficiency into her system. As with any other society, not only animating principles, but an appropriate and effective organization is needed for the well-being of the Christian Church, needed for its energetic and successful working, nay, even for its continuance in any particular nation or country. The Christian Church is compared by inspired authority to the human frame; and the comparison would seem to hold good in this respect, that what impairs its organism hinders the action of the vital principle, or even imperils its existence.

The very design, or, as it is termed, the final cause of the institution of the Christian Church being the maintenance and application of the truths of the Christian faith,—and no ordinance of Heaven being either vain or superfluous,—it will of necessity follow, that whatever injuriously affects the former must be detrimental to the success of the latter. Nor can it be doubted, on the grounds of faith, that at least the fulness



of the Divine blessing must be withheld, when the institutions of revealed religion are marred to suit the purposes of human policy or ambition. And this conclusion is warranted by the results of experience in England, and in those other countries, wherein, either in past times or at the present day, as in Germany, Erastian principles have prevailed.

## CHAPTER IV.

### ERASTIANISM INJURIOUS TO THE INTERESTS OF THE STATE AND THE NATION.

SUCH have been the effects upon the character and mission of the Church in this country, produced by the working of Erastianism, in depriving her of her right of self-government, and of the appointment of her bishops, and in conferring it upon the civil power, in quelling the free and rightful action of her synods in the regulation of her affairs, and in destroying her jurisdiction in spiritual things and causes. Let us now proceed to consider the detriment which the same cause produces, or has a tendency to produce, upon the true interests of the State and nation. That our Erastianism is fraught with national and temporal mischief, as with ecclesiastical and spiritual evils, though it be less evident at first sight, yet on a little reflection will appear plain to those who read the future in the light of the past; who contemplate effects in their causes, and who are guided in their estimate of all things which affect the interests and destinies of a nation, not by the

rules of a short-sighted policy and a short-lived expediency, or by the irrational instincts of fear, suspicion, and distrust, but by the measures of a large, enlightened, and courageous policy, which has faith in just dealing, and by the indications of God's will, as given no less in the history of the dealings of His Providence in the affairs of nations, than in the pages of His written word. To those who judge of these things in this way and in this spirit, the real and intrinsic impolicy, as regards the interests of the State and nation, involved in the position and action of the temporal constitution and power towards the Church in this country, will be no less evident than are the grievous evils which are thereby wrought against the Church. Surely, if the existing system of Erastianism be, as it has been endeavoured to show, evil, ungodly, and iniquitous in itself, and further, injurious in its effects on the mission and interests of the Church, it will follow as an undeniable moral consequence, in spite of any appearances to the contrary, that it must be fraught with evil and peril to the true interests of the State and nation, by which, and in which that system is carried out. Surely, if any guilt be involved in Henry the Eighth's ecclesiastical statutes, those emanations of royal revenge and lawlessness, a complicity in that guilt must attach to the nation which maintains them in force. The prin-

ciple of certain Providential retribution, according to the established order of things, for national sins, and often by means of those very sins themselves, is of course familiar to all believers in Revelation; nay, and is even admitted by the philosophical though sceptical author of the Decline and Fall of the Roman Empire, who has left on record the following reflection upon the course of general history: "I shall not," says Gibbon, "be accused of superstition, when I say, that I have observed in the history of nations strong traces of a moral retribution." Now, it is one declared law of God's dealings with men, rulers, and nations, as well as individuals, "them that honor Me I will honor, and they that despise me shall be lightly esteemed." It is manifest, that this "honoring," and "despising" of God, is conversant, on the part of a nation, with the mode in which that nation treats His ordinances and institutions in the world. And as the Church is an ordinance and institution of God's, it cannot but be prejudicial to the interests of a nation, to maintain, in regard to it, a system of treatment which is derogatory to its character and detrimental to its interests.

But the force of this truth, as applicable to the probable effects upon the State, of its own treatment of the Christian Church in England, is evaded by the doctrine held by a few, that the

Christian Church is merely an invisible society, and therefore that no visible society in the world is the Church : and by the position of others who, admitting the Christian Church to be a visible body in the world, deny, either openly or implicitly, that the Church in England is that Church, or of it, but maintain that it is a mere department of the civil government, a creation of the State, formed in the reign of either Henry VIII. or of Elizabeth, and that the State may therefore treat it as it pleases to do. With regard to the first of these views, it would be too wide of the object of this treatise to enter into the question, whether the Christian Church is at all a visible body, or purely an invisible society. He will simply content himself with the fact, that the Christian Church in the world is regarded by the great mass of Christians everywhere as a visible body, and, as such, a standing memorial and evidence of Christianity, a divinely appointed instrument for guarding and propagating the faith of Christ, and for the edification of men. In place of other arguments and authorities on this subject, he will refer to the approved sentiments of Bishop Butler, " Christ has founded a kingdom which is not of this world. He founded a Church, to be to mankind a standing memorial of religion, and invitation to it ; which He promised to be with always, even to the end. He exercises an

invisible government over it Himself, and by His Spirit ; *over that part of it which is militant here on earth, a government of discipline* ; “ for the perfecting of the saints, for the edifying his body ; until we all come in the unity of the faith, and of the knowledge of the Son of God, unto a perfect man, unto the measure of the stature of the fullness of Christ,” Eph. iv. 12, 13.

To turn now to the objection of certain others, founded on a denial to the Church of England of the properties and attributes of a Church, and on the assertion that it is purely a human establishment, a creature of the civil power,—this is in truth the justification made by certain politicians for the line of policy constantly pursued and upheld by themselves, in their public capacity, towards the established Church. It may be observed, that this justification cannot be employed with any consistency but by Romanists, ultra-dissenters and infidels, though it is sometimes adopted even by professed adherents of the communion, to which the characteristics of a church are thus denied. But it were more relevant to point out, in contradiction to this most unprincipled defence, that although individuals may employ it, it is not to be found in the public Acts of the nation, the statutes of the realm. These, while dealing, whether in a friendly, or even a hostile manner with the Church, regard it, whether con-

sistently or no is another question, but regard it either expressly or by implication as a true Church, and therefore as the ordinance of God. Nay, the very title given in the statutes to the civil magistrate,—“*under* God, supreme head on earth of the Church of England,”—admits not only that the Church is of Divine origin, but that Christ is its heavenly head. Nor can any assertions, that the Church in this country is a Church, be stronger than the language of those canons of 1603, which have been expressly recognised and confirmed by the Crown, in accordance with the statute 25 Henry VIII. called the Submission of the Clergy, and which are recognised and acted upon by the courts of the realm, both spiritual as they are termed, and temporal. If then it be the present opinion of the nation that the Church is not a Church, but only an establishment; and since a nation is held to be bound by its own statutes and laws as declaratory of its collective sentiments, then it will be evident that the nation, in regard to the Church, “halts between two opinions,” and so stands self-condemned. On this supposition, the State is convicted either of acknowledging a Church, which is no Church, or of observing a policy of tyranny and injury towards the Church of Christ. But let us ask any of those professed Christians employing this argument,—and this treatise is addressed to none others than professed

Christians,—let us ask of them upon their own ground, what is it which renders the Church in this country, in their view, no Church, but a mere human establishment, unless it be that very relation which it holds to the civil power, to which they point, and which, it may be added, they for the most part strenuously maintain and uphold?

But to address our observations to those who admit the Church in England to be of Divine institution—a true Church, not a mere creature and establishment, function or department of the civil government, and to assume, as all Churchmen have a right to assume, that the State regards the Church in an ecclesiastical light; injustice on the part of the State towards it must be fraught with evil and peril to the nation, in proportion as that injustice is wilful, and in direct contravention to those principles which in all *other* cases the State asserts and maintains. Is not liberty, civil and religious, regarded as the right of all classes and sections of the people of this land? Progress and improvement, self-government, and the due legislative representation of every recognised interest,—are not these the principles of political science, which are most loudly asserted in the national legislature, which obtain most widely in the country at large, and are most faithfully carried out in the general legislation and government of the country? Is not liberality, *i. e.* the fair construction



of motives and the disposition to allow every possible privilege and liberty of action, every freedom from legal restraint, consistent with the due security of life and property, the boast and watchword of our politicians? Are not the rights of Romish and other non-conformist communions in this country scrupulously regarded, the petitions and demands of their respective members treated with deference and respect, and every regard shown for their conscientious convictions, opinions, and even prejudices? Is not every care taken that the Established Church shall derive no advantage over any of these bodies from modern legislative measures? and have they not the enjoyment of all possible liberty of deliberative and collective action in furtherance of their religious interests, and entire independence in the management of their spiritual affairs? Have not all the oppressive and disabling statutes been repealed, which, in pursuance of the ancient and discarded theory of the *identity* of the Church and State, had been enacted against Romanists, and all non-conforming communions?

Such has been the just, the more than just, the indulgent policy, which in more recent times has been constantly observed by the State towards all religious denominations in this country, except that single body which in its laws it still publicly recognises as the Church. What has been its

policy towards the latter body we have already seen, and experience has amply testified. Suffice it now to say, that that policy has been, to violate or refuse the Church's rights, to ignore her claims, to reject with contempt her just demands; to distrust her motives, to suspect her designs, to deprive her of all power of supplying the defects and remedying the evils of her system and of improving and adapting that system to the exigencies of her position and the necessities of the age, and to repress any movement for the recovery of her just liberty of action. Mr. Baptist Noel, in his well-known work, with more truth than propriety, compares the State's treatment of the Church to that singular specimen of tyranny in the brute creation—a cat watching a mouse, which has fallen within its power; while the captive is motionless, the cat remains quiet; but when it stirs she instantly checks its attempt to escape. Bishop Warburton, in the masterly dedication of his "Divine Legation of Moses," (an extract from which will be found in the Appendix of this treatise,)\* speaks in nobler but not less true language of those who "delivered her up, gagged and bound, as the rebel-creature of the State." It is a policy devoid of justice, courage, and religious faith. It is the more glaringly wrong, as being utterly at variance with those principles of politi-

\* Appendix D.

cal justice which the State in these days well knows how to assert and practise in all other cases.

Surely such policy must be, in the eyes of all who recognise the retributive character of God's moral government of the world, not only inexpedient, but full of evil, and perilous to the best interests of the nation. One of the chief political mischiefs entailed by the ecclesiastical usurpations of the civil government, consists in the tendency of all usurpations to weaken the moral basis of a government; it must be always prejudicial to its general interests that its power should in any one respect be liable to just exception. Thus in England the whole of the royal authority under the Stuarts was impaired when the Puritan party could denounce the power which these monarchs, like their predecessors, exercised in religion, as Erastian and unscriptural. And in Russia, at the present day, that five millions of the Christian population should disown the Czar's "Headship of the Church," first assumed by Peter the Great, and even call the Czar himself, on this account, by the name of Antichrist, this is a fact betraying an undeniable source of weakness to that iron despotism. For all governments, as Hume has well observed, rest ultimately on opinion. And men in general are not in the habit of discriminating very nicely be-

tween the exercise of different capacities in the same person, or, while rejecting, as improper, a ruler's claim to authority in one matter, of respecting it in all other matters. The real strength and stability of a government confessedly consists, not so much in its wealth and physical force, as in the respect which it is able to command from all its subjects. Hence it is that the throne is established by righteousness; for in proportion as it fails to act justly, it forfeits respect. Injustice, therefore, to the Church, is highly impolitic in *any* State, and injurious to national interests. It were well, therefore, for England if Erastianism were discarded from the maxims of its public policy. And the inexpediency of this system will be plain from the consideration that the Christian Church is necessarily, by its very principles and teaching, the principal safeguard of the State in inculcating, on the highest motives, all the duties of subjects and citizens, loyalty, honesty, the reverence for oaths, and all those qualities and feelings which form the very life, and strength, and glory of a nation. It is clear that the more the people are led by the results of the mistaken policy of their rulers, to regard the Church as a creature or function of the State, and her ministers as paid servants of the powers that be, the credit of the clergy must be lessened in inculcating the duties of loyal obedience, and the apparent independence of their

testimony to the importance of those duties must be impaired. Their teaching on this point will be ineffectual in proportion as they are popularly regarded as State functionaries and "the queen's clergy"—a light in which they are already very much viewed, nay, and phrases indicative of such a view, have been used even by educated persons.\* Still what was it that mainly contributed to save this country from the convulsions which but a few years since distracted almost every other nation, and overthrew for a time almost every other throne in Europe, but the influence of the Established Church on the side of civilization, obedience, and order? And to this influence chiefly, reflecting persons must look for public security in any future outbreak of disaffection and revolt that may threaten the peace and prosperity of this nation. To speak of gratitude on the part of so cold an abstraction as the State, were indeed hopeless. It were more to the purpose to ask, is it not unwise on the part of the civil government to continue a system and a policy towards the Church, which must inevitably, in the end, lessen the hold of that Church on the respect of the people in proportion as enlightenment on all these subjects extends, and as ecclesiastical first principles are propagated by the ministers and members not only of the

\* A striking passage from the "Regale," &c. will be found in Appendix G. on the ruinous policy of making the Church appear a secular establishment.

Church, but of the Romish and Nonconformist communions also ; for from such abstract first principles they all equally start, although in the application of those principles they widely diverge from each other. Were it not a wise policy, founded on the dictates of an enlarged and a far-sighted expediency, to uphold the character and influence of that Church by a generous and liberal acknowledgment of her rights, instead of degrading her by withholding them ?

Loyal as are the clergy and attached laity of the Church, from duty, opinion, and even interest, were it not wise to engage *more* of their sympathy and affection towards the civil government, by a juster and more equitable treatment of the Church's rightful claims ? Would not the frequent prayers in the Church's liturgy for the civil authorities and legislature of the land then find a warmer response in the hearts of a multitude of her most enlightened sons ? Were it not wise, merely according to the measure of true political wisdom, to follow the advice which one of the sagest of men and most astute of political writers ventured to offer to a sovereign of this country, as follows :—" It is not unworthy your Majesty's consideration," says Lord Bacon, " whether you shall not think fit to give strength to the general council of your clergy—the Convocation-house—which was then restrained when the clergy was

thought a suspected part of the kingdom, in regard of their late homage to the Bishop of Rome, which state will now give place to none in their loyalty and devotion to your Majesty.”\*

Another illustration shall be mentioned of the mischievous tendency, as regards the State, of the maintenance of a system of interference in ecclesiastical matters, by nourishing faction and disaffection among its citizens. For, in a constitutional government like ours, the assumption and exercise of spiritual authority by the civil government must necessarily be apt to lead to party action on the part of those of the community whose ecclesiastical opinions are opposed to such assumption.

By all who have studied the political history of this country, it will be acknowledged that, in the reigns of Elizabeth, James I. and Charles I., the ecclesiastical supremacy of the Crown was not the least of the causes of discontent on the part of an influential section of the people, and of those discords and contentions which ended in the civil war and its disastrous results. It was this circumstance that involved the Crown in those violent religious disputes which gave a peculiar implacability to the political contentions of the period. To Elizabeth's exercise of her supremacy may be ascribed the growth

\* Lord Bacon on the Pacification of the Church.

of the Puritan party and their nascent opposition to the Court. This will be familiar to those who have read the pamphlets and other writings of that party during the latter part of the reign of that female head of the Church, and who remember the pertinacious attempts at interference in matters touching her supremacy made by Wentworth and other independent Puritan members of the House of Commons, and the anger with which the queen resented those attempts. The supremacy which she exercised by laws, most of which are in force now, was plainly inconsistent with the views of Church government and discipline which the Puritans advocated ; and, therefore, the attempts they made to carry out those views were regarded, and so far correctly viewed, by the queen, as practically hostile to her ecclesiastical pretensions. But here was the first exhibition of constitutional party opposition to the sovereign ; and, in the two following reigns, the Puritans formed by far the most influential and active portion of the anti-royalist party. Hence Mr. Hallam, in his work on the Constitutional History of England, regards the religious as the most important part of the political history of Elizabeth's reign, and Puritanism as the first assertor of political liberty. "When the royal supremacy," says Mr. Hallam, in his survey of Elizabeth's reign, "was to be maintained against a different foe [from the



Papists], by less violent acts of power, it revived the smouldering embers of English liberty. The stern and exasperated Puritans became the depositaries of that sacred fire; and this manifests a second connection between the temporal and ecclesiastical history of the present reign.”—(Hallam’s “Const. Hist. of England.”)

During the feeble reign of James I. the Puritan party gained greatly in strength, and strenuously acted with the party opposed to the court. It was the religious element, which from the intermixture of spiritual and temporal things in the civil policy, entered so largely into the contests of the reign of Charles I., that, as the historian Hume remarks, gave so great a bitterness to the spirit of the opposition party, and rendered irremediable the breach between the unhappy king and it, notwithstanding the ample concessions which he made in 1640-1, to the demands of *political* liberty. The Presbyterians, who gained the ascendant in the nation, regarding the form of Church government which they advocated, as “the sceptre of Christ’s kingdom” upon earth, were necessarily inimical to Charles’ claims to be supreme governor of the Church; and the important part they played in the struggle against him, was based on religious grounds. Popery, Prelacy, and *Erastianism*, were in fact the objects of their hostile denunciations. Thus then it was the

supremacy of the Crown which gave occasion, in great measure, to the political discord and contention of that period, which ended, as we know, so disastrously in bloodshed and confusion. And it was undoubtedly the exercise of it by James II. in the erection of his ecclesiastical commission, in alleged pursuance of the Act 1 Elizabeth, c. 1., for restoring the supremacy, which provoked that opposition to the king, which ended in his deposition, and the consequent strifes of a disputed succession, which rent and disturbed the nation for nearly 60 years, and which were accompanied by the profuse pouring out of blood on the field and the scaffold. It is well known that the dismissal of the Godolphin ministry in the reign of Anne, and the consequent loss of all the fruits of the triumphs which Marlborough had gained at an infinite expense of blood and treasure, was owing to the cry of High Church and Dr. Sacheverell, occasioned by two sermons of that preacher, in which, among other things, the rightful independence of ecclesiastical jurisdiction was loudly asserted, in contradiction to the principle of the legal supremacy of the Crown.\* In more recent times, the nature of the existing relations between

\* On this point the reader is referred to the sermons in question, with the report of the trial of Sacheverell, and of the speeches of the bishops on the occasion, published by authority of the House of Lords, 1710.

the Church and State have still had the effect of promoting faction and political party spirit. It has infected (as Mr. Baptist Noel has well observed), the Dissenters who necessarily object to those relations, with too great a measure of this spirit of political partizanship; nor can it, I think, be denied, that it has often had a similar effect on the clergy of the established Church. And at the present moment, the disposition to withhold or concede the rightful claims of the Church to the exercise of her proper functions, forms one test of different political parties, and a recommendation respectively of different statesmen to the support of this or that section of the body politic. Thus then it is an evil and injurious consequence to the State, arising from the nature of its existing relations with the Church in this country, to nourish faction, and cherish party agitation among the members of the civil community regarded as a whole.

Such then are among the mischievous results to the welfare of the body politic, and the true interest of the nation, which the State causes by the short-sighted and irrational policy pursued towards the Church in this country. It thus weakens the very chiefest of its supports; incurs the danger of that retribution, which according to the established order of Divine Providence surely attends at last the contempt of His ordinances

and the commission of public injustice; and ministers to discords, strifes, factions, and party-spirit among its own citizens. It thus violates in its own case, and to its own cost and peril, the soundest principles of public policy.

And why is it that in spite of these weighty considerations many of our public men adhere to the maintenance of the Erastian principle? A few, perhaps, from their lingering attachment to the ancient theory, which has long since been exploded from the world of fact, of the identity of the Church with the State, a theory which was once countenanced by the fact, that all bearers of office in the State were required to be in communion with the Established Church. It is unquestionable, that this arrangement rendered the State's legislative and administrative interference in spiritual matters less anomalous and unjust than the present, by which none of the authorities, civil or political, with two or three exceptions, are required to be in her communion, while the State yet retains its supremacy over the Church. But any revival of statutory enforcements of ecclesiastical conformity before entering upon functions of civil or political power or influence, is hopeless, even if it were desirable. Since, however, these laws of conformity have been finally abolished, what grounds can there be left of expediency or propriety for defending that ecclesiastical predo-

minance of the civil powers which formerly was qualified by those laws, and received from them some show at least of reason and justice? What profit can there be in retaining the disadvantages and inconvenience of a system, when its compensating advantages and recommendations have been swept away?

But there are other politicians of a different stamp, and yet not always openly nor even consciously hostile to the Church, who are actuated in their desire to maintain the ascendancy of the civil power, and the suppression of the ecclesiastical authority in ecclesiastical matters, by the apprehension that, if the Church were restored to the exercise of her proper powers, she might abuse those powers to the detriment of the State. It will readily be conceded that such a result is possible; and that the apprehension of it has but too good grounds in the facts presented by the history of the papacy and Church in the middle ages. Doubtless, all authority, however rightful, and of whatever species, is capable of abuse in being wielded by the hands of fallible men. But then this objection, if good at all, is good against the possession of every species of authority by its rightful depositories. And to argue against the Church's possession of her proper jurisdiction on the ground that it may be abused, is to employ a fallacy, which might have been expected to have been exploded

in modern reasoning, the argument "against the use of a thing from its abuse." And to regard this argument, as applied in the present instance, in a *moral* light, if it be unjustifiable "to do evil that good may come," is it less so to "do evil lest evil should come"? And if such policy be unjustifiable in the eyes of all but Jesuits, it can never be necessary. And let it be remembered, what class of rulers that is with whom, according to the approved saying, "necessity" is the "plea for wrong."

Again, there are certain politicians who appear to take even a lower and narrower and more questionable ground in justification of the ecclesiastical position of the civil power. They *assume* that the State endows the Church with its revenues, and then assume that this alleged endowment confers on the State the *right* of engrossing to itself a large part of the authority, and of suppressing the functions of the Church. But what grounds have they for assuming that the State endows the Church with its revenues? What statutes are there of such endowment? The history of the endowment of the Church, to a certain extent, is an obscure and difficult question. The law of tithes appears to have been in force in Saxon times; but there is no evidence that it prevailed universally even then, and still less after the Norman conquest. That the endowment of

tithes was, to a very great extent, the voluntary act of feudal and landed proprietors in pre-reformation times, is evident from various existing deeds and copies of deeds of endowment by such persons. It is well known to have been a common practice for the feudal landlord to endow a parish connected with his tenure with the tithes of the produce of his manor; and in consideration of this, he was permitted or claimed to nominate the clerk who should minister in the endowed church, itself built by voluntary zeal. Hence the origin of the private patronage which extends at the present day to half the benefices of the Church of England. For the right or claim of the original granter of the tithes passed in succession to his heirs and assigns, who, in their turn, stand, as regards the patronage of the Church, in the same position as the original granter of the tithes, except indeed that custom and law have confirmed a right of patronage which was frequently disputed by the bishops in mediæval times. Such are the actual grounds of the existing rights of private patronage, grounds which are only consistent with the notion of a *voluntary* act of endowment on the part of the original grantors. Indeed, I believe, it is common, in the deeds of endowment which have been saved from oblivion, to allege a pious, and therefore a voluntary, motive for the endowment. As regards the *lands at-*

tached to ecclesiastical benefices in general, there is little doubt that these were given under no legal compulsion, but by the voluntary act of individual benefactors. So much with regard to the benefices in private patronage. As to those in patronage of ecclesiastical hands, it appears that these too were of the same origin, and that the granters of the tithes either voluntarily entrusted the patronage of the endowed churches to bishops or other ecclesiastical persons, or that the bishops successfully claimed the right of collation for them; for both procedures evidently prevailed in those times. As to the benefices in the gift of the Crown, it is well known that a large number of them were wrested by the king from the monasteries which previously held them, and with regard to the rest it is possible that the Crown acquired them in some cases by escheats or forfeitures, and in others through original endowment from Crown lands, which were then the private property of the sovereign.

It is probable that in early times endowments of lands were made by kings to different bishoprics; but there is no reason to suppose that there were none other than royal benefactors in this case, more than in the case of other ecclesiastical benefices. And it is recorded that, in times of the Crusades, an immense accession of landed property accrued to the bishoprics and other prelacies by



sale, mortgage, or gift, on the part of barons and others, when departing for the Holy Land. And, in truth, with regard to the whole landed property of the Church, it is evident that it was originally granted by feudal lords, including, among hundreds of others, the king, or sovereign lord, and was held by a peculiar feudal tenure, called that of "frank almoigne," and tenure "par divine service," as it is expressed in Littleton's work on tenures. And Sir Edward Coke, in his comment upon Littleton, affirms this fact. After speaking of the different kinds of divine service mentioned by his author as annexed to the donation and tenure of these lands, Coke thus proceeds:—"Since Littleton wrote, the Liturgy, or Book of Common Prayer, and of celebrating service, is altered. This alteration, notwithstanding yet the tenure in frank almoigne, remaineth; and such prayers and such divine service shall be celebrated as now is authorised. And as Littleton hath said before, in the case of socage, the changing of one kind of temporal services into other temporal services, altereth not the name nor the effect of the tenure; so the changing of spiritual services into other spiritual services, altereth neither the name nor the effect of the tenure. And albeit the tenure in frank almoigne is now reduced to a certainty contained in the Book of Common Prayer, yet, seeing the original tenure was in frank almoigne,

and the change is by general consent, by authority of parliament, whereunto every man is party, the tenure remains as it was before." This point is now touched upon merely to illustrate the real nature of the endowment and tenure of ecclesiastical revenues in contradiction of the totally unfounded, and indeed absurd, assumption, that the bishops and clergy of the Church receive their emoluments at the hands of the State. And as to any argument in support of such an assumption derived from the donations which kings may have in pre-reformation times made to the Church, in their individual and personal capacity, from their own property, and not out of the resources of their people; such an argument, worthless as it manifestly were, under any circumstances, for the purpose in question, is utterly destroyed by the fact of the wholesale and systematic alienation of the parochial tithes and of the lands and houses belonging to bishops and chapters, which was carried on during the reigns of Henry VIII., Edward VI., and to the end of the reign of Elizabeth, sometimes by legal means and sometimes by the mere exercise of despotic power\*—to say nothing of the

\* The fact of the seizure by Henry VIII. of the tithes of many hundreds of *parishes* at the dissolution of monasteries is often lost sight of. The monastic bodies had, in a great number of cases, appropriated the tithes of parishes, but at the dissolution of those establishments, the tithes were not restored to the parish churches to which they had originally belonged, but were

suppressed monasteries, the chantries, and collegiate churches. Unquestionably, the spoliation of the property of the Church by these sovereigns, and by their courtiers in their name, quite compensates, so far as this is concerned, for any donations which former kings may have made to cathedral and other churches.

After all, what is this "State"? What is this thing to which so many of the actions of a personal entity, are attributed in these discussions? What is "the State" but a *name*, or abstract term, or political abstraction personified, employed for

impropriated by the king. In addition to the enormous seizures of the lands of bishoprics and chapters committed by Henry VIII. and Edward VI., an Act was passed in the 2nd of Elizabeth to enable her, on appointing to a bishopric, to compel the bishop elect to part with any manors of his see which the queen might select, and take in exchange a portion of the tithes which her father had before impropriated. Even this arrangement was carried out with little regard to the equity of the transactions which took place under it; but the queen often seized the property of bishoprics without any law but her own will. Her characteristic letter to Cox, Bishop of Ely, and her threat of "unfrocking" him if he refused her demand, will be in the recollection of the reader. He will also recollect the noble remonstrance which Whitgift, Archbishop of Canterbury, addressed to Elizabeth, when this confiscation had gone to great length, and which seems to have had some effect in checking it. Still the compulsory bargains which the queen made with nominees to bishoprics went on to the end of her reign, insomuch that it is recorded of the excellent Bishop Andrewes that he refused to be raised to the episcopal bench in her reign to avoid being a party to these exactions. The Act for these iniquitous "exchanges" was repealed early in James I.'s reign.

convenience and brevity to express the combined result of the several governing powers in a commonwealth. Properly speaking, "the State" now, has no identity whatever with "the State" three hundred years ago. Then "the State" was little else than the king, and existed about as much as "the State" could be said to have existed in Louis XIVth's time in France, or to exist now in Russia or Persia. How gross an absurdity to attribute to this impalpable abstraction of our own times any participation in the granting of any endowments which may have been made in Saxon, Norman, or Plantagenet times, for the support of the clergy! But if "the State" be taken simply to mean Queen Victoria, and the three estates of the realm in Parliament—what have these authorities had to do with giving to the Church in England any portion of its remaining endowments? How are any of these powers or persons in any *real* sense (and except by legal fiction and conventional abstraction) donors or grantors to the Church of England? The absurdity of the argument will be further seen when stated in different though correct terms. "The kings in former times gave some endowments to the Church; therefore, it is just that the Church, in consideration of them, should be deprived of her election of bishops, of her synodical functions, and of her spiritual jurisdiction." Such, assuredly,

is a true statement of the argument of those who defend the present system on the ground of former royal munificence to the Church. Even supposing that the present sovereign power of the realm, the Parliament, *had* given the endowments of the Church, it by no means follows that the right to regulate her affairs and to suppress her functions would thus *ipso facto* have been acquired; nor can the *extent* of the power in ecclesiastical matters, which endowment is thus supposed to confer necessarily on the grantor, be pointed out. But certainly, no defence of the enactments of Henry VIII. and Elizabeth in prejudice of the Church's rights, can be raised on the ground of *their* donations, nor on that of the present national legislature. This "argument," therefore, from the endowments of the Church to prove the justice of our existing Erastianism in no way interferes with the correctness of the assertion, that that Erastianism, being unjust to the Church, must be inexpedient for the State or nation.

Unquestionably none of these supposed and indefinable rights over the Church, thus alleged to spring from the endowment of it, *can* accrue to the civil powers from the vast increase of endowment which has been conferred upon the Established Church by the munificence of private benefactors during the last twenty years. But, in

point of fact, this argument from supposed endowment by the State, comes under the questionable description of a mere *afterthought* for the defence of a system already found to be in existence. It is a gratuitous supposition, a mere speculation, neither representing the intentions and motives of those who, in bye-gone times, wielded the supreme civil power in England, nor of those who wield it now. Thus, though neither the Crown or legislature have taken any part in endowing numerous colonial bishoprics that have been erected within the last twelve years, through the munificence of individual members of the Church, yet the Crown arrogates the right of appointing the persons who shall fill those bishoprics. Here then, at least, is patronage exercised by the State, without any pretence of a right from original endowment. Again, if the supposed endowment of the Church, by "the State," gives *ipso facto* to the latter certain rights of *control*, of whatever nature or extent, over the former, similar rights would, by parity of reason, be vested in private grantors also; but no one pretends that such is the case.

Lastly, If this plea (from endowment) were valid, then the endowment of the Church, so far as the State is supposed to be concerned in it, was not, as it is generally regarded, the result of free and pious munificence; but a mere bargain-

and-sale transaction—so much aid to the Church for so much power over it ; a consideration to the State, in the shape of so much additional power, for the expenditure upon the Church of so much wealth : in short, a base and mercenary capitulation, discreditable and condemnatory to both contracting parties.

Altogether, therefore, the plea drawn from any supposed endowment of the Church by “the State,” and urged in support of the justice, and therefore in disproof of the alleged *inexpediency*, of the existing system of Anglican Erastianism, is founded on an assumption which cannot be maintained, and which, even if it were capable of being maintained, is utterly inadequate for the purpose to which it is employed.

The political inexpediency of our existing Erastianism, will be further seen if we consider the obstruction presented to the general course of national progress and improvement, by the adherence to a policy which leaves the Church in this country without an organ for expressing her collective sentiments, without a power of regulating her own affairs, and without the means of combined action for compassing her legitimate objects. For this is a policy which takes from her all possibility of moulding her practical system to meet the circumstances of her position, the religious wants of the community at large, the wishes of her

most attached members, and those juster and more enlightened views, and that deeper interest and fuller appreciation of subjects connected with ecclesiastical policy and discipline, which are generally gaining ground. In most other matters of practical importance, this nation is making rapid progress, and to a great extent apparently in a right and beneficial direction: and the desire for improvement is increased by the success it has achieved. The provisions of law and its administration are in process of reduction to clearer principles of expediency and justice. Ancient institutions are being adapted to the altered circumstances and special requirements of the age, and to those changes in sentiment and practice which "time, the greatest of innovators," has silently effected. And it may safely be asserted, that the movement in this direction has been characterized, especially of late, by a remarkable up-growth of a spirit of caution and moderation. The energies of a practical community are receiving a strong impulse from the stir of mind and the diffusion of knowledge which this generation has experienced; and they must ere long produce even further important results. Principles which had hitherto been traditionally received without question, are fearlessly tested by reference to the best standards of human judgment, and, if found to be false, discarded; if approved, they are established



anew by the ordeal which they have undergone : while many principles which had hitherto been lost sight of and neglected, have been recovered and called into action. But an exception and hindrance of the most positive kind to this general course of advancement is presented by the stereotype retention of all the doctrinal uncertainties and practical anomalies in our Church system, which date from three centuries ago, and which owe their origin to the conflicting theological opinions then struggling for ascendancy, and to the passions or self-interested policy of imperious sovereigns in a comparatively ignorant and barbarous age. In the retention of these at the present moment, not merely sound policy but even common sense and justice appear to be strangely abdicated, and vague fears or overstrained caution to have usurped their place in the minds of many. For it singularly happens that men of two different parties conspire in effect to perpetuate these drawbacks : those, namely, who apprehend danger to the State from the free action of an emancipated Church ; and those who apprehend the downfall of the whole heterogeneous structure comprised in our ecclesiastical polity, from the removal of any portions of it. But policy influenced by such considerations cannot, in the present day, avail much longer to maintain manifest anomalies in so important a matter, or to coerce the action of

conviction and opinion founded on the most energetic and deep-seated feelings of the human breast. A timely but honest and uncompromising application of first principles in the removal of these anomalies, may in the end save more violent convulsions and more disastrous results. The general desire for real progress and improvement would thus be directed in a legitimate channel; and if kept within the bounds of discretion, would find its proper gratification in the nearer approximation of the actual to the ideal in a matter of the utmost national importance. And we cannot but fairly anticipate that such a removal of the clogs which now impede the proper action and usefulness of the Church in this country, would, in setting free her energies, tend to invigorate the national life, and to give increased healthiness to the tone of public opinion. The Church might then hope to attract more fully the sympathies of the mass of the people, which, it must be admitted, she does not at present possess; and the attachment of the great body of her professed members in a degree more commensurate, than is at present the case, with the feelings entertained by the adherents of every other denomination of Christians towards their own respective religious communions. For it cannot escape observation that the popular mind does not in general recognise any corporate character in the Church as a whole, but for the

most part regards it as a political establishment, or as the aggregate of a number of totally distinct and isolated establishments in different parishes for the celebration of certain religious offices. When will the sound but lethargic intelligence of England recognise the real expediency of a just treatment of the Church planted amongst us? When will the religious and moral sense of this community awake to the duty of a just and consistent policy towards her; and, if it regards her as a branch of the Catholic and Apostolic Church, deal with her as that character requires? When will the heart of the people of this land again warm with attachment to that Institution which might be their strength and glory, instead of being chilled towards it by indifference, or estranged from it by fear and unworthy suspicion?

The result which this application of Erastianism to the Anglican Church polity has produced, is a mass of confusion, unreason, and impiety, both in theory and practice, such as (in the same degree and *in pari materia*) subsists nowhere else in Christendom. Surely, in the nature of things, in the course of Providence, it cannot last. Though raised and upheld by the policy of rulers, it has chiefly been maintained by the mere force of habit and of ignorance on the part of the people. But the force of habit must give way to the spirit of reformation, and the force of ignorance to a spirit

of inquiry. Whether Anglican Erastianism shall give way under the timely and beneficial hand of reformation, or fall by its own inherent weakness, dragging down with it the Institution which it has so long encumbered and defaced, is a question still pending, still remaining within the power of this nation to solve.

Such, however, as the writer has endeavoured to show in the preceding pages, is the extent and nature, and such are the evil effects both upon the Church and State also in this country, of that system among us, which for brevity's sake is designated by the popular term of Erastianism.

Unquestionably the duration of this system, for so long a time and amid so many other changes, and the support and acquiescence it has received from some eminent men in different generations, are a remarkable phenomenon, and furnish a *presumption* that the system is right; especially as it is evident from the writings of many such men, that many of the considerations of an opposite bearing on the subject, which are urged in the preceding pages, have occurred to them. But assuming the views on the subject above stated to be true, the long continuance and the countenance which the system in question has received, can only be regarded as one of those many and perplexing inconsistencies which the history of mankind in all ages presents. And it will be readily

admitted, that systems even worse in their nature than this have continued even for a longer period, and have been perpetuated by the countenance and support of men equally wise and good in their generations. For about a thousand years a great part of western Christendom, including many of the best and wisest Christians, believed in the two monstrous fictions, that, by Divine appointment, St. Peter was universal bishop of the whole Christian Church upon earth, and that each of the bishops of Rome in succession were, by the same Divine appointment, invested with the same universal office and authority,—in fact bishops of the whole world. And not only were these notions firmly entertained by multitudes even of the most eminent Christians in those days, but also the perversions of truth and corruptions of doctrine which flowed from Rome, were accepted by them as dictates of revelation.

Long duration, and the countenance of good and wise men, might have been with truth pleaded for almost every wrong system that the world has seen. And it may truly be said, that no wrong system would at any time have lasted, but for some show of reason and some weight of authority in its favour. Either, then, there have been no false systems in the world, or, the prescription of 300 years, and the support of many good and wise men, is no conclusive argument whatever in

favour of Anglican Erastianism. Doubtless these two considerations furnish a *presumption* in its favour, such as is entitled to the most earnest and careful consideration; but, as the writer contends, this presumption is entirely overthrown by arguments drawn from the nature of the thing, and from the effects which the system has produced, or has a tendency to produce. And with regard to this presumption from authority, it has been observed, that the arguments of those authorities, in reference to the system, are extremely contradictory with each other—some denying the existence of the system, others maintaining its lawfulness, and of these latter almost all stating it differently, and arguing in support of it with an elaborateness of metaphysical subtlety and refinement, which in itself is a strong presumption of the unsoundness of the cause which they undertake to maintain; for, according to the homely but true proverb, “truth needs no study.” The imperfections and errors of the good and wise are the most dangerous snares, both in opinion and practice. And it must not be forgotten, that if many excellent men have supported the system in question, there have been many also, entitled to equal consideration, who have condemned it.

The writer, before concluding, would briefly notice two objections of less moment, by which the condemnation of Anglican Erastianism is regarded

as the advocacy of "ideal perfection," or Erastianism in itself as a thing indifferent, and one of the various forms of Church government, which any set of Christians are at liberty at any time to adopt. To the first the reply is obvious, that if it be valid, it is equally so against the condemnation of every thing wrong and erroneous, in every existing system in the world. Perfection of any kind in this world, exists perhaps in the ideal only, and a thing is good only as it approaches it, as its measure and standard. The actual in human affairs is so liable to degeneracy and declension, that it is at times necessary to restore it by reference to theoretical good. But, in truth, the writer is not arguing for ideal perfection, but against an evil capable of removal; and from the mere removal of which, he does not suppose that a perfect state of things would ensue. The world in different ages is a battle-ground of truth and falsehood, of right principles and wrong principles, sometimes on one important subject, and sometimes on another: and in its militant state the Christian Church has to contend, at different times, for different points of the great spiritual trust committed to her care and keeping, whether it be for matters of doctrine, or of discipline, or of polity, or of practice. For one point or another coming under every one of these heads the Christian Church, according to its bounden

duty, is called at different times to contend—not with any notion of attaining “ideal perfection,” for in this imperfect state of things that is not likely to be attained, and by the time that one evil has been remedied, others will probably have silently grown up, and developed themselves openly; so that it has often been said that “improvements usually come too late.” So little is ideal perfection to be expected; but this is no argument against the duty of advocating a recurrence to right principles.

To the other objection, that the government of the Church by temporal powers is a matter of indifference, as the greater part of the preceding pages are adverse to such a position, the writer will now merely reply that, although the scriptures of the New Testament may not expressly make any particular *form* of Church government imperative, yet manifestly it was designed that that government should be exercised by an authority of and within the Church, and not by an authority alien and external to it, and independent of it, often even hostile to it. And in this view nearly all denominations of Christians so far are agreed,—whether they be Romanists, who contend that by Divine appointment the government of the Christian Church is uniformly vested in the Pope,—or consistent Episcopalians, who maintain, that by the same sanction it is chiefly vested in the Epis-



operate,—or Presbyteriana, or others, who respectively ascribe it to the Elders or other authorities in the Church, or to the whole particular congregation of believers. And surely it cannot be a matter of indifference or of little moment whether this authority be lodged in ecclesiastical hands, or reside in the civil power ; if it be considered that it is an inherent function of Christ's kingdom upon earth, the external means by which He designed to exercise His kingly power in the Church, and a manifest part of that sacred trust, which, on personally quitting this earth, He committed to His Apostles, and in them to those who should be appointed by them, or should succeed them in the same ministry.

Though we may not be able clearly to gather from the New Testament the precise form in which that authority was to be exercised, yet we are at no loss to discover the *principles* of it, and the manifest indications of the Divine will respecting its establishment and continuance ; and from these we may perceive that it was an authority of a different kind from civil rule, with distinct and peculiar sanctions of its own, and that it was to be exercised immediately in the name and by the authority of the great Head of the Church.

Although the Christian system, for the purposes of thought and reasoning, be scholastically divided into doctrine and discipline, yet this distinction, in

a matter of Divine origin, ought not to be pressed too far, or made an occasion for exalting the one portion at the expense of the other, and treating the interests of the Christian Church as distinct from the interests of the Christian faith, much less as at variance with them. Christianity came into the world as an integral whole; and though it may be distinguished in thought into different parts, yet, as all the parts rest on the same Divine authority, men cannot, without falling into error and sin, regard one part as unimportant, and dispense with it as unnecessary, or fail to maintain and hand it down in all its original integrity. As the more external part of Christianity, viz., discipline and polity, was clearly instituted for the maintenance and vindication of the internal part, that is, the doctrine of Christ, so unquestionably there is a certain connection and inter-dependency between the two. Thus, as the Church is the teacher and witness of the doctrine of Christianity, so when it is deprived of its apostolical discipline, its witness and teaching of that doctrine will, of necessity, be less regarded; and when, on the contrary, it fails in the maintenance of the truth, its discipline and authority will be spurned. And it is specially to be observed, that infidels, and those who reject the fundamental doctrines of the faith, (having an almost preternatural discernment of what is conducive to the interests of Chris-

tianity,) are invariably, of all men, the most bitterly opposed to the claims of ecclesiastical authority.

Allusion has already been made to the views of the fathers of the infidelity of the 18th century on this point, and to the Erastian aggressions of the infidel actors in the Revolution upon the Church in France, before they proceeded to the violent persecution of all Christianity; and I doubt not that the personal observation and experience of reflecting readers will corroborate the truth of the assertion here made, as to the sentiments with which unbelievers regard the rightful claims of spiritual authority. In fact, Erastianism is akin to infidelity. And it is remarkable that, in the annals of Christianity, the interference of the civil power in the definition of doctrine was first invoked by Arius and his followers, the deniers of the Divinity of the Son of God; and in a matter of discipline, by the factious and implacable Donatists.\*

Such, then, as described in the above pages, is Anglican Erastianism; such its origin, its nature, its extent; such its actual and probable results. Born of the imperious temper of a tyrant, nurtured by blood and confiscation, and maintained by policy, self-interest, and sophistry, this great anomaly is a bane not only to the Church which is subject to it, but also to the State which upholds

\* Mosheim's Eccl. Hist., vol. i. p. 404.

it. Briefly to recapitulate the leading particulars of it—the relations between the Church and the temporal constitution in England are primarily based on four penal enactments of Tudor days. These are—1. That by which the king assumed the whole appellate jurisdiction of the Church (25 Henry VIII. cap. 19, sec. 14). 2. The statute by which the title and power of “Head of the Church” is annexed to the royal office (26 Henry VIII. cap. 1, followed by the 1 Eliz. cap. 1). 3. That by which the Crown assumed the exclusive power of calling the synods of the Church, of limiting the subjects of their legislation, and of giving force to their measures (25 Henry VIII. cap. 19, secs. 1 & 2). 4. The Act by which the Crown has arrogated the virtual making of bishops under the forms of election and consecration (25 Henry VIII. cap. 20). The general principles embodied in at least the two first-mentioned of these enactments are, as we have seen, affirmed also in two formularies which the clergy are required to accept, viz., the 37th of the 39 Articles, and the 1st of the 3 Articles of the 36th Canon. Next, however, in importance and order to the above four statutory applications of the Erastian principle, are those three Acts of Parliament fixing the doctrines and ritual of the Church of England; namely, the Act of Uniformity, 1 Elizabeth, cap. 2; the 13th of Elizabeth, cap. 12, re-

lating to the 39 Articles, and called the "Act for ministers to be of sound doctrine;" and the Act of Uniformity of Charles II. Subsequent to these statutes, and gravely affecting the discipline of the Church, is the Toleration Act of 1 William and Mary (enlarged by some further enactments), by which the Church's courts are prevented from declaring any one to be out of her communion in consequence of his withdrawal from it and his denial of her faith. At the same time, the ecclesiastical courts, transformed, as they have been, into civil tribunals, retain the cumbrous and costly proceedings which attached to them in the days of Papal predominance, and their censures still involve invidious temporal consequences, as was the case in pre-reformation times; nor is it in the power of the Church to alter these courts in any of these respects. And the law administered by them consists of a miscellaneous mass of ancient Canon law, (much of which is of Papal enactment,) of statutes of the realm, and of a part of the Protestant Canons of 1603.

The practical operation of this system at the present time is as follows:—That all questions of doctrine, or discipline, or ritual, are decided, in the last resort, by a committee of the Privy Council—that the bishops are appointed by the Prime Minister of the day—that all persons, indiscriminately, are in law entitled to the external pri-

privileges of Church membership, as being, in the eye of the law, all equally members of the Church of England—that the Church has, in reality, no spiritual judicature or discipline, and that the censures inflicted in her name have no moral weight, and often become occasions of scandal\*—that while the synodical functions of the Church are held in entire abeyance by the civil executive, all such ecclesiastical legislation as takes place is effected by the Parliament alone—and that the tests of the religious opinions of the clergy, and the ritual and defective organization of the Church, are in all respects, and under all circumstances, perpetually kept in an unalterable condition.

How far this state of things is consistent with the archetypal and primary ideas of the Christian Church; and, further, what its effects are and must be on the true interests of either of the powers concerned by it; these are questions of much moment at the present day—questions, too, upon which the right-minded and intelligent portion of the community will be increasingly called upon to judge. And it may with confidence be asserted, that, in proportion as interest and sound information upon the subject are extended, the duration of this state of things will be shortened. It can-

\* Allusion is here made to the riotous scenes which have taken place in churches on occasions when, by decree of the Court of Arches, penance has had to be gone through according to an antiquated mediæval form.

not long continue. But whether it will come to an end only by the ultimate removal, in this country, of the Church which it weakens and degrades, or, more happily, by the honest and timely application of first principles in a remedial manner, is a question which the course of Divine Providence, operating by human agency, can alone determine.

The writer will now take leave of a subject, the discussion of which has led him through a wider field of fact and argument than he had anticipated, but not wider than its importance and complexity have required. It has been his object to aid in scattering the clouds of ignorance and prejudice with which this subject has been obscured in the minds of some, and to induce others to look at it—not through the medium of specious theories, or distorted facts, of legal fictions and metaphysical subtleties, of evasions, equivocations, and recriminations, of forced constructions, and strained interpretations, of distinctions without difference, and confusions where difference exists, but by the perceptions of common sense, enlightened and informed by Scripture and the history of the Church—nor, again, under the debasing influences of fear and suspicion, or with the deceptive views of a short-sighted expediency, but by the light of that true political wisdom, which regards the claims of piety and justice, and is taught alike by religion and experience.

## APPENDIX.

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### A.

Act 25 Henry VIII., cap. 19, entitled "The Clergy Submission Act." Sections I. II.

I. Where the king's humble and obedient subjects have not only acknowledged, according to the truth, that the convocation of the same clergy is, always hath been (!) and ought to be assembled only by the king's writ, but also submitting themselves to the king's majesty, have promised *in verbo Sacerdotii*, that "they will never from henceforth presume to attempt, allege, claim or put in use, or enact, promulge or execute any new canons, constitutions, ordinance provincial or other; or by whatsoever other name they shall be called, in the Convocation, unless the king's most royal assent and licence may to them be had, to make, promulge, and execute the same; and that his majesty do give his most royal assent and authority in that behalf:" and where divers constitutions and canons, provincial or synodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the king's prerogative royal, and repugnant to the laws and statutes of this realm, but also overmuch onerous to his highness and his subjects; the said clergy hath most humbly besought the king's highness that the said constitutions and canons may be committed to the examination and judgment of his highness and of two and thirty persons of the king's subjects, whereof sixteen to be of the upper and nether House of the Parlia-



ment of the temporality, and the other sixteen to be of the clergy of this realm; and all the said two and thirty persons to be chosen and appointed by the king's majesty; and that such of the said constitutions and canons, as shall be thought and determined by the said two and thirty persons, or the more part of them, worthy to be abrogated and committed, shall be abolite (abolished) and made of no value accordingly; and such other of the same constitutions and canons, as by the said two and thirty, or the more part of them, shall be approved to stand with the laws of God, and consonant with the laws of this realm, shall stand in their full strength and power, the king's most royal assent first had and obtained to the same; be it now therefore enacted by authority of this present Parliament, according to the said submission and petition of the said clergy, that they nor any of them from henceforth shall presume or attempt, allege, claim or put in use any constitutions or ordinances, provincial or synodal, or any other canons; nor shall enact, promulge, or execute any such canons, constitutions, or ordinances provincial, by whatsoever name or names they may be called, in their convocations in time coming (which always shall be assembled by authority of the king's writ), unless the same clergy may have the king's most royal assent and licence to make, promulge, and execute such canons, constitutions, and ordinances, provincial or synodal, upon pain of every one of the said clergy doing contrary to this Act, and being thereof convict, to suffer imprisonment, and make fine at the king's will."

II. And, forasmuch, as such canons, constitutions, and ordinances, as heretofore have been made by the clergy of this realm, cannot now at the session of the present Parliament, by reason of shortness of time, be viewed, examined, and determined by the king's highness, and thirty-two persons, to be chosen and appointed according to the petition of the said clergy in form above rehearsed: be it therefore enacted by authority aforesaid, that the king's highness

shall have power and authority to nominate and assign, at his pleasure, the said two and thirty persons of his subjects, whereof sixteen to be of the clergy, and sixteen to be of the temporality of the upper and nether House of the Parliament; and if any of the said two and thirty persons so chosen shall happen to die before their full determination, then his highness to nominate other from time to time of the said two Houses of Parliament, to supply the number of the said two and thirty : and that the same two and thirty, by his highness so to be named, shall have power and authority to view, search, and examine the said canons, constitutions, and ordinances, provincial and synodal, heretofore made, and such of them as the king's highness and the said two and thirty, or the more part of them, shall deem and adjudge worthy to be continued, kept, and obeyed, shall be from thenceforth kept, obeyed, and executed within this realm, so that the king's most royal assent, under his great seal, be first had to the same ; and the residue of the said canons, constitutions, and ordinances, provincial, which the king's highness and the said two and thirty persons, or the more part of them, shall not approve, or deem and adjudge worthy to be abolite, abrogate, and made frustrate, shall from thenceforth be void and of none effect, and never be put in execution within this realm. Provided always, that no canons, constitutions, or ordinances, shall be made or put in execution within this realm by authority of the convocation of the clergy, which shall be contrariant or repugnant to the king's prerogative royal, or the customs, laws, or statutes of this realm ; anything contained in this Act to the contrary hereof notwithstanding.

## B.

Part of the letter addressed by HOSIUS, BISHOP of CORDUBA, to CONSTANTIUS, in remonstrance against that Emperor's conduct in deposing orthodox bishops,

and thrusting Arians into their room, and in otherwise aiding the Arian party :—

“Τί γὰρ τοιοῦτον γέγονε παρὰ Κώνσταντος; τίς ἐπίσκοπος ἐξωρίσθη; Πότε κρίσεως ἐκκλησιαστικῆς μεσος γέγονε; Ποῖος αὐτοῦ Παλατῖνος ἠνάγκασε κατὰ τινος ὑπογράψαι, ἵνα οἱ περὶ Οὐάλεντα τοιαῦτα λέγωσι; παῦσαι, παρακαλῶ, καὶ μὴ σθῇτι ὅτι θνητός ἄνθρωπος τυγχάνεις. φοβήσθῃτι τὴν ἡμέραν τῆς κρίσεως, φύλαξον σεαυτὸν εἰς ἐκείνην καθαρὸν, μὴ τῇθει σεαυτὸν εἰς τὰ ἐκκλησιαστικά, μηδὲ σὺ περὶ τούτων ἡμῖν παρακελεύου. Ἄλλα μᾶλλον παρ’ ἡμῶν μάνθανε ταῦτα. Σοὶ βασιλείαν ὁ Θεὸς ἐνεχειρίσεν, ἡμῖν τὰ τῆς Ἐκκλησίας ἐπίστευσε. καὶ ὥσπερ ὁ τὴν σὴν ἀρχὴν ὑποκλέπτων ἀντιλέγει τῷ Διαταξαμένῳ Θεῷ, οὕτω φοβήσθῃτι μὴ καὶ σὺ τὰ τῆς Ἐκκλησίας εἰς ἑαυτὸν ἔλκων ὑπεύθυνος ἐγκλήματι μεγάλῳ γένη. Ἀπόδοτε, γεγράπται, τὰ Καίσαρος Καίσαρι καὶ τὰ τοῦ Θεοῦ τῷ Θεῷ. Οὐτε τοίνυν ἡμῖν ἀρchein ἐπὶ τῆς γῆς ἔξεστιν. Οὔτε σὺ θυμῶν ἐξουσίαν ἔχεις, βασιλεῦ. Ταῦτα μὲν οὖν κηδόμενος τῆς σῆς σωτηρίας γράφω.”

*Translation.*

“Did Constans ever act in this manner, who was the rightfully appointed bishop? When did he [Constans] make himself an ecclesiastical judge? Did any of his subdeacons ever cause an accusation to be drawn up at his dictation against any one for Valens and his people to repeat? Pause, I exhort thee, and remember that thou art a mortal man: fear the day of judgment, keep thyself pure against that day, intrude not thyself into ecclesiastical matters, nor take it upon thyself to tell us our duties therein. Yea, it is rather thy part to receive instructions from us on these subjects. God hath bestowed on thee the office of a king, and to us He hath entrusted the concerns of the Church. And even as to rob thee of thy power would be to resist the ordinance of God, thou, too, hast cause to fear lest, if thou encroach upon the rights of the Church, thou become guilty of a grievous crime. It is written,

‘Render unto Cæsar the things that are Cæsar’s, and unto God the things that are God’s.’ So that as it is not lawful for us to exercise temporal dominion, thou, too, O king, hast no authority to act as priest. I write thus out of a concern for thy salvation.”

Part of ST. ATHANASIUS’S remonstrance against the same proceedings of the Emperor CONSTANTIUS :—

“Δεινὰ μὲν οὖν καὶ πέρα δεινῶν τὰ τοιαῦτα· πρέπουσα δὲ πρᾶξις ὅμως τῷ σχηματιζομένῳ τὰ τοῦ Ἀντιχρίστου. Τίς γὰρ βλέπων αὐτὸν ἐξάρχοντα τῶν νομιζομένων ἐπισκόπων, καὶ προκαθήμενον τῶν ἐκκλησιαστικῶν κρισέων, οὐκ ἀκολούθως ἂν εἴποι τοῦτ’ εἶναι τὸ διὰ τοῦ Δαυιδ εἰρημέον Βδέλυγμα τῆς ἐρεμωσέως; Τὸν γὰρ Χριστιανισμόν περιβεβλήμενος, καὶ εἰς τοὺς ἁγίους τόπους εἰσπρόχόμενος ἐστηκώς τε ἐν αὐτοῖς ἐρημοῖς τὰς ἐκκλησίας, παραλύων τοὺς τοῦτων κανόνας καὶ τὰ ἴδια κρατεῖν βιαζόμενος. Ἄρα τις ἔτι τολμᾷ λέγειν τὸν καιρὸν τούτον εἰρηνικὸν εἶναι Χριστιανῶν, καὶ οὐ μᾶλλον διωγμὸν; καὶ διωγμὸς οἷος οὔτε πώποτε γέγονεν. Οὔτε τάχα τι ποιήσει πότε τοιοῦτον, εἰ μὴ ἄρα ὁ Υἱὸς τῆς Ἀνομίας.”

*Translation.*

“Terrible and more than terrible are these things—this conduct would befit an agent of Antichrist. For who, on seeing him (Constantius) domineer over the regular bishops, and preside in ecclesiastical causes, would not instantly call this the abomination of desolation spoken of by Daniel? For he puts on the garb of Christianity, enters into the holy places, and standing in them makes desolate the churches, while he violates their rules and forcibly takes away their rights. Will any one still venture to call the present a time of peace to the Christians, and not, rather, a persecution? Yea, and a persecution such as never has happened before. No one would dare to act thus but the Son of Lawlessness.”

## C.

The following documents are illustrative of the recognition made by former English kings of the liberties of the Church, and of the freedom of Episcopal elections. The first, is an extract from King Stephen's charter to the Church. The second, is Matthew Paris's account of Henry I.'s surrender of the usurped power of giving investitures of bishoprics to persons before they had been elected. The third, is King John's charter to the Church for the liberty of elections of bishops and abbots, to which the opening words of Magna Charta refer. The fourth, is from Magna Charta. The fifth, is from the Statute of Provisors, 25 Edward III. The sixth, is from the Confirmation of the Statute of Provisors, 13 Richard, Statute ii. cap. 2.

## I.

Extract from King Stephen's charter to the Church.

"Ego, Stephanus, Dei gratiâ, &c., respectu et amore Dei, sanctum ecclesiam liberum esse concedo et debitam reverentiam ei confirmo."

## II.

Henry I.'s surrender of the power of giving investiture, in the eighth year of his reign.

"Annuit Rex Henricus, et statuit ut ab eo tempore in reliquum nunquam per donationem baculi pastoralis vel annuli quisquam de episcopatu vel abbatiâ per regem vel quamlibet laicam manum investiretur in Angliâ."

## III.

King John's charter to the Church for the liberty of elections of bishops and abbots.

"Johannes, Dei gratiâ Rex Angliæ, &c., Qualiscunque consuetudo temporibus nostris et predecessorum nostrorum hactenus in ecclesiâ Anglicanâ fuerit observata, et quicquid nobis juris hactenus vendicaverimus in electionibus quorumcunque prælatorum majorum et minorum, nos, ad petitionem ipsorum, pro salute animæ nostræ et predecessorum

ac successorum nostrorum regni Angliæ, liberali merâ et spontanci voluntate de communi consensu baronum nostrorum concessimus; et constituimus et hac præsentî chartâ nostrâ confirmavimus, ut de cætero in universis et singulis ecclesiis et monasteriis *cathedralibus* et conventualibus totius regni nostri Angliæ *liberæ sint in perpetuum electiones* quorumcunque prælatorum, majorum, et minorum, salvâ nobis et hæredibus nostris custodiâ ecclesiarum et monasteriorum vacantium quæ ad nos pertinent. Promittimus quod non impediemus nec impediri permittemus vel faciemus per nostros nec procurabimus quin in singulis et universis ecclesiis et monasteriis memoratis, postquam vacaverunt prælaturæ, quemcunque voluerint, *liberè sibi preficiant electores pastorem*; petitiâ tamen prius a nobis et hæredibus nostris licentiâ eligendi quam non denegabimus vel differemus; et *si forte* (quod absit) *dene-garemus vel differemus*, procedant *nihilominus electores ad electionem canonicam faciendam*, et similiter post celebratam electionem noster requiratur assensus, *quem non denegabimus*, nisi aliquid *rationabile* proposuerimus, et *legitimè probaverimus*, propter quod *non debemus* consentire. Quare volumus et firmiter jubemus ne quis vacantibus ecclesiis vel monasteriis contra hanc concessionem et constitutionem in aliquo veniat vel venire præsumat. Si quis vero contra has aliquo unquam tempore venerit, maledictionem Dei omnipotentis et nostram incurrat."

## IV.

Extract from Magna Charta.

"Ecclesia Anglicana sit libera et habeat jura sua et facultates illasas. Libertatim electionum, quæ maxima et magis necessaria viditur ecclesiæ Anglicanæ, concessimus et hac chartâ nostrâ præsentî confirmavimus."

## V.

From the Statute of Provisors, 25 Edward III. stat. 6, sec. 3.

"Our lord the king, by the assent of all the great men

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and the commonalty of the said realm, to the honour of God and profit of the said Church of England, and of all his realm, hath ordered and stablished, that the free election of archbishops, bishops, and all other dignities and benefices elective in England shall hold from henceforth in the manner as they were granted by the king's progenitors, and the ancestors of other lords, founders of the said dignities and other benefices."

## VI.

From the Confirmation of the Statute of Provisors, 13 Richard II. stat. ii. cap. 2.

"The said grandfather of the king that now is, by the assent of the great men of his realm, being in the same parliament, holden the said five and twentieth year, to the honour of God and of holy Church and of all his realm, did ordain and establish that the free elections of archbishops, bishops, and all other dignities and benefices elective in England should hold from thenceforth in the manner as they were granted by his progenitors, and by the ancestors of other lords founders."

## D.

BISHOP WARBURTON. Divine Legation of Moses.  
Dedication to Lord Mansfield, Feb. 2, 1765. Vol.  
iv. Lond. 1811, p. 2 to p. 6.

"I had lived to see—it is a plain and artless tale I have to tell—I had lived to see what lawgivers have always seemed to dread as the certain prognostic of public ruin, that fatal crisis when religion hath lost its hold on the minds of a people.

"I had observed, almost the rise and origin, but surely very much of the progress, of this evil ; for it was neither so rapid to elude a distinct view, nor yet so slow as to endanger one's forgetting or not observing the relation which its

several parts bore to one another. And to trace the steps of this evil may not be altogether useless to those, whoever they may be, who, as the instruments of Providence, are destined to counterwork its bad effects.

“The most painful circumstance in this relation is (as your Lordship will feel), that the mischief began amongst our friends ; by men who loved their country, but were too eagerly intent on one part only of their object, the security of its civil liberty.

“To trace up this matter to its source, we need go no further back than to the happy accession of that illustrious house to whom we owe all which is in the power of grateful monarchs, at the head of a free people, to bestow ; I mean, the full enjoyment of the common rights of subjects.

“It fortune'd that at this time some warm friends of the accession, newly gotten into power, had too hastily perhaps suspected that the Church (or at least that party of churchmen which had usurped the name) was become inauspicious to the sacred æra from whence we were to date the establishment of our civil happiness, and therefore deemed it good policy to lessen the credit of a body of men, who had been long in high reverence with the people, and who had so lately and so scandalously abused their influence in the opprobrious affair of Sacheverell. To this end they invited some learned men who in the preceding reign had served the common cause, to take up the pen once more against these its most pestilent enemies, the Jacobite clergy. They readily assumed the task, and did it so effectually, that, under the professed design of confuting and decrying the usurpations of a Popish hierarchy, they virtually deprived the Church of every power and privilege which, as a simple society, she had a claim to ; and, on the matter, delivered her up gagged and bound, as the rebel-creature of the State. Their success (with the prejudice of power, and, what is still stronger, the power of prejudice, on their side) became yet the easier, as the Tory clergy, who opposed these Erastian notions, so destructive to the very being of a



Church, reasoned and disputed against the innovators on the principles commonly received, but indeed supported on no sounder a bottom than the authority of Papal or (if they like it better) of Puritanical usurpations; principles, to speak without reserve, ill founded in themselves, and totally inconsistent with the free administration of civil government.

“In this, then, that is, in humbling disaffected churchmen, the friends of liberty and the accession carried their point. But in conducting a purpose so laudable at any time, and so necessary at that time, they had, as we observe, gone much too far; for instead of reducing the Church within its native bounds, and thereby preserving it from its two greatest dishonours, the becoming factious, or the being made the tool of faction, which was all that true politics required, and all perhaps that these politicians then thought of; their instruments, by discrediting every right it had, and even stripping it of some of them, in a little time brought it into general contempt.

“But this was not the worst. These enemies of obnoxious Churchmen found much assistance in the forward carriage of the enemies of religion itself, who at this time, under pretence of seconding the views of good patriots, and serving the State against the encroachments of Church-power, took all occasions to vent their malice against Revelation itself; and passion, inflamed by opposition, mixing with politics throughout the course of this affair, these lay-writers were connived at; and, to mortify rebellious Churchmen still more, even cried up for their free reasonings against religion, just as the clergy-writers had been for their exploits against Church-government. And one man in particular, the author of a well-known book called the *Independent Whig*, early a favourite, and to the last a pensioner, carried on in the most audacious and insulting manner these two several attacks together: a measure supported perhaps in the execution by its coinciding with some statesmen’s private opinions, though the most trite maxims

of government might have taught such to separate their private from their public character. However, certain it is that the attack never ceased operating till all these various kinds of free-writing were gotten into the hands of the people.

“And now the business was done ; and the sober friends of the government were become, before they were aware, the dupes of their own policy. In their endeavours to take off the influence of a church, or rather of a party of churchmen, inauspicious to a free state, they occasioned at least the loosening all the ties which till then religion had on the minds of the populace ; and which till then statesmen had ever thought were the best security the magistrate had for their obedience. For though a rule of right may direct the philosopher to a principle of action, and the point of honour may keep up the thing called manners amongst gentlemen, yet nothing but religion can ever fix a sober standard of behaviour amongst the common people.

“But those bad effects not immediately appearing, our politicians were so little apprehensive that the matter had already gone too far, that they thought of nothing but how to improve some collateral advantages they had procured by the bargain ; which, amongst other uses, they saw likewise would be sure to keep things in the condition to which they were reduced. For now, religion having lost its hold on the people, the ministers of religion were of no further consequence to the State ; nor were statesmen any longer under the hard necessity of seeking out the most eminent for the honours of their profession ; and, without necessity, how few would submit to such a drudgery ! for statesmen of a certain pitch are naturally apprehensive of a little sense, and not easily brought, whether from experience or conviction, to form ideas of a great deal of gratitude in those they have to deal with. All went now according to their wishes. They could now employ church-honours more directly to the use of government, that is, of their own, by conferring them on such subjects as most gratified their taste or

humour, or served best to strengthen their connections with the great. This would of course give the finishing stroke to their system. For though stripping the Church of all power and authority, and exposing it naked and defenceless to its enemies, had abated men's reverence for it, and the detecting the revelation of imposture, serving only for a State engine, had destroyed all love for religion, yet they were the intrigues of Church promotion which would make the people despise the whole ordinance.

"Nor did the hopes of a better generation give much relief to good men's present fears or feelings. The people had been reasoned out of their religion by such logic as it was ; and if ever they were to be brought back to a sober sense of their condition, it was evident that they must be reasoned into it again. Little thought and less learning were sufficient to persuade men of what their vices inclined them to believe ; but it must be no common share of both which, in opposition to those vices, shall be able to bring them to themselves."

Extract from Leslie's *Regale and Pontificale*, on the mischiefs arising to civil government from its encroachments upon ecclesiastical rights and liberties :—

"If Christian kings intend to do honour to the commission of Christ, they should do it freely, without encroaching upon any part of it. They would not have their beneficence and protection to the Christian Church understood as a bribe to her to betray and deliver up into their hands the powers committed into her charge by Christ Himself. Nor will they escape. For He is a jealous God and will not give His honour to another. He alone will be Head of His Church. And He lets them taste their folly in suffering them to destroy the greatest security of their Government, while they think to preserve it. For we find by experience that the State, particularly in England, has been out in its politics in reducing the Church to so low an ebb of credit with the people : for we have seen that the laws and consti-

tution have proved too weak to restrain the unruly passions and ambition of designing men. The State has no security so great as the principles of the people, when they are taught to obey for conscience' sake, and to believe that rebellion is a damning sin : which the Church cannot inculcate into them, than her credit reaches with them. And when they see bishops made by the court, they are apt to imagine that they speak to them the court-language. And by this means the State has lost the greatest security of its government.

" Besides, this does insensibly draw men into a disesteem and suspicion of religion in general ; whose foundation they cannot think to be divine, when they see the Church disposable (query disposable) by the State. Hence they are inclined, and easily imposed upon by deists and atheists, to resolve all into priestcraft managed by a superior State-craft. This looses all bonds, sacred and civil, dissolves all relations as well natural as political, and gives full reins to all lewdness, immoralities, rebellion, and whatever wickedness, where there is a prospect of success, or that can be acted *impuné*." Leslie continues to the effect that the State can never make the people believe religion not to be State-craft while the people see the governors of the Church exercising almost no ecclesiastical power, but what is dependent upon the State. He then proceeds : " The Erastian principle has had too visible effects in England ; it has turned the gentry, Deists ; and the common people, Dissenters ; for the Dissenters one and all, from Presbyterians down to Muggletonians, pretend to divine commission, independent of all the powers of the earth. Therefore the people run to them ; and look upon the Church of England as a parliamentary religion, and establishment of the State."

## F.

The following abstract of the Manifesto issued by Charles II. soon after his restoration, and commonly termed the "Healing Declaration," is taken from "Neal's History of the Puritans. It was published under this title :

"His majesty's declaration to all his loving subjects of his kingdom of England and dominion of Wales, concerning ecclesiastical affairs. Given at our court at Whitehall, October, 25, 1660, in the twelfth year of our reign.

"Charles Rex. In our letter from Breda, we promised in due time to propose something to the world for the propagation of the Protestant religion ; and we think ourself more competent to propose, and with God's assistance determine many things now in difference, from the experience we have had in most of the reformed churches abroad, where we have had frequent conferences with the most learned men, who have unanimously lamented the distempers, and too notorious schisms in matters of religion in England.

"When we were in Holland we were attended by many grave and learned ministers from hence of the Presbyterian opinion, and to our great satisfaction we found them full of affection to us, no enemies to Episcopacy or Liturgy (as they have been reported to us), but modestly desiring such alterations as without shattering foundations, might give ease to the tenderness of some men's consciences. For the doing of this, we intended to have called a synod of divines ; but observing the over-passionate and turbulent way of proceeding of some persons, and the impatience of others for a speedy determination of these matters, we have been prevailed with to invert the method we proposed, and to give some determination ourself to the matters in difference, till such a synod may be called as may, without passion or prejudice, give us such further assistance towards a perfect

union of affections, as well as submission to authority, as is necessary."

"We must, for the honour of all whom we have conferred, declare, that the professions and desires of all for the advancement of piety and true godliness are the same; their profession of zeal for the peace of the Church, and of affection and duty to us, the same, they all approve Episcopacy and Liturgy."

The king then declares his esteem and affection for the Church of England, notwithstanding his willingness to dispense with some ceremonies, and then proceeds to his concessions.

1. "We declare our purpose and resolution is and shall be to promote the power of godliness, to encourage the public and private exercises of religion, to take care of the due observation of the Lord's Day; and that insufficient, negligent, and scandalous ministers be not permitted in the Church. We shall take care to prefer none to the Episcopal office and charge, but men of learning, virtue, and piety; and we shall provide the best we can that the bishops be frequent preachers, and that they do often preach in some church or other of their diocese.

2. "Because some dioceses may be of too large extent, we will appoint such a number of suffragans as shall be sufficient for the due performance of their work.

3. "No bishops shall ordain or exercise any part of jurisdiction which appertains to the censures of the Church, without advice and assistance of the presbyters. No chancellors, commissaries, or officials, shall excommunicate, absolve, or exercise any act of spiritual jurisdiction, wherein any of the ministry are concerned, with reference to their pastoral charge. Nor shall the archdeacon exercise any jurisdiction without the advice and assistance of six ministers of his archdeaconry, three to be nominated by the bishop, and three by the suffrage of the presbyters within the archdeaconry.

4. "We will take care that the preferment of deans and

chapters shall be given to the most learned and pious presbyters of the diocese, and that an equal number (to those of the chapter) of the most learned and pious presbyters of the same diocese, annually chosen by the major vote of all the presbyters of that diocese present at such elections, shall be always advising and assisting, together with those of the chapter, in all ordinations, at all church-censures, and other important acts of ecclesiastical jurisdiction, wherein any of the ministry are concerned. Provided, that at all such meetings the number of ministers so elected, and those of the chapter present, be equal; and to make the numbers equal, the juniors of the exceeding number shall withdraw to make way for the more ancient. Nor shall any suffragan bishop ordain or exercise any jurisdiction, without the advice and assistance of a sufficient number of presbyters annually chosen as before. And our will is, that ordination be constantly and solemnly performed by the bishop and his aforesaid presbytery at the four set times appointed by the Church for that purpose."

5. "Confirmation shall be rightly and solemnly performed by the information and with the consent of the minister of the place, who shall admit none to the Lord's Supper, till they have made a credible profession of their faith and promised obedience to the will of God, according to the rubric before the catechism; and all diligence shall be used for the instruction and reformation of scandalous offenders, whom the minister shall not suffer to partake of the Lord's Supper till they have openly declared their repentance and resolutions of amendment; provided there be place for appeals to superior power. Every rural dean (to be nominated by the bishop as heretofore) with three or four ministers of that deanery, chosen by the major part of the ministers within the same, shall meet once a month to receive complaints from the ministers and churchwardens of parishes, and to compare such differences as shall be referred to them for arbitration, and to reform such things as are amiss by their pastoral reproofs and admonitions, and

what they cannot reform to be presented to the bishop. Moreover, the rural dean and his assistants are to take care of the catechising children and youth, and that they can give a good account of their faith before they are brought to the bishop to be confirmed."

6. "No bishop shall exercise any arbitrary power, or impose anything upon his clergy or people, but according to the law of the land."

7. "We will appoint an equal number of divines of both persuasions (i.e. Episcopalian and Presbyterian) to review the Liturgy of the Church of England, and to make such alterations as shall be thought necessary; and some additional forms in the Scripture phrase, as near as may be suited to the nature of the several parts of worship, and that it be left to the minister's choice to use one or other at his discretion."

The eighth and last particular dispenses with certain ceremonies, and with subscription, and the oath of canonical obedience, for the present.

The king concludes, "with conjuring all his loving subjects to acquiesce and submit to this declaration concerning the differences that have so much disquieted the nation at home, and given offence to the Protestant churches abroad."

THE END.



# ERRATA.

At page 121, line 3, the numeral II. is accidentally omitted from the beginning of the paragraph.

At page 185, line 17, for (;) substitute (,).

At page 270, line 9, for "profession" read "conformity."

At page 288, line 4, for "ever" read "even."

At page 296, line 7, for "and" read "in."

At page 298, line 22, dele the comma.

At page 299, line 22, for "is" read "he."



